




SCS #1441

Thomas F. Torrance

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AN
ABRIDGMENT
OF THE
Acts of the General Assemblies
OF THE
CHURCH OF SCOTLAND,

FROM THE YEAR 1638 TO 1820 INCLUSIVE.

TO WHICH IS SUBJOINED,
AN APPENDIX,
CONTAINING
AN ABRIDGED VIEW OF THE CIVIL LAW
RELATING TO THE CHURCH.

SECOND EDITION,
GREATLY ENLARGED AND IMPROVED.

BY THE
REV. ROBERT GILLAN,
AUTHOR OF THE VIEW OF MODERN ASTRONOMY, GEOGRAPHY, &c.

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DEDICATION.

TO THE
REV. DR. DAVID LAMONT,
MINISTER OF KIRKPATRICK, DURHAM.

SIR,

WHILE you have, by the aid of an original and ingenious mind, illustrated and supported the Ecclesiastical Constitution of Scotland, I have followed the humbler path of collecting and arranging the Acts of our Venerable Assembly, in which that constitution consists. To you, therefore, I beg leave respectfully to dedicate the following work; and gladly embrace this opportunity of declaring my sentiments respecting you, as an independent politician, a minister, and a man.

That you may long continue an ornament to the church, and that your example may have a powerful influence on its various members, is the ardent wish of,

SIR,

Your most obedient

And very humble servant,

ROBERT GILLAN.

EDINBURGH,
38, Dublin Street, }
22d May 1821. }

P R E F A C E.

THE importance of an Abridgment of the Acts of the Supreme Ecclesiastical Judicature, must be generally acknowledged. The acts at large are not in every clergyman's possession; several of the older enactments are thrown together in a loose and inaccurate manner; and, besides, the search through a mass of detached volumes, will often prove a long and unsuccessful labour. Hence arises the utility of a condensed methodical view of the laws relating to the church, with which every minister ought to be intimately acquainted, both in his individual and judicial capacity.

To remove the bar, and afford an easy access to ecclesiastical knowledge, the whole laws of the church have been collected and placed under various heads set down in alphabetical arrangement. Such a work was published by the author in 1801, the only one of the kind which has appeared since the days of Mr Dundas, procurator for the church, one hundred years ago. An anonymous book on the subject, however, was presented to the public in 1811; but, in truth, this was only a number of copies of the author's first edition of this work that had been disposed of to a bookseller, the publication

of which had been delayed for some years, and a few immaterial additions made.

Since the publication of the edition of 1801, a lapse of twenty years, several material alterations have taken place, and many important laws been enacted, which have rendered that work extremely defective. In that edition too, the heads of the acts branched out into such a number, as tended to create confusion. But the present work has completely remedied this defect. The number of heads has been reduced one-third, and the arrangement is now rendered simple and accurate.

The standing and perpetual acts, are inserted in the precise words conceived by the church, and any thing deemed important in the letters, addresses, declarations, or other papers found amongst the printed acts, is recorded; in so much, that no case can occur, where an application to the acts at large will be necessary.

Acts contained under the same head, often comprehend other subjects, than that which is the particular enactment; and the object of inquiry may be contained in one or more of them. The acts, therefore, under each head are numbered, and the inquirer guided by references to the particular act required. When an act has been ratified, repealed, or otherwise altered, a direction by the letters of the alphabet, is given at the foot of the page, to the place where it is to be found: there is a reference also at the foot of the page, by asterisks (*), from one head to another, where any additional information may be obtained. A very copious index is add-

ed, pointing so directly to the place where each subject seemed most properly introduced, that a search can neither be difficult nor unsuccessful.

Besides inserting the procedure respecting church censures, under the various heads where they naturally occur, the Form of Process is also, from its high importance, given at large at the end of the Assembly's Acts.

An Appendix is subjoined which chiefly constitutes the superiority of the present edition to that of 1801. The former Appendix consisted only of a collection of the acts of parliament relating to the church; but the present contains the existing state of the civil law applicable to the church, and embraces all the decisions of the supreme civil court, with the opinions of the ablest commentators, on every subject on which a minister may require information. The author has particularly enlarged upon the present situation of the law of augmentation, with the mode of conducting the actions respecting them; and those cases in which presbyteries act in a civil capacity respecting manse, glebes, churches, and schoolmasters.

In this part of the work, much important information has been obtained from the excellent and learned treatises of Sir John Connel, the procurator for the church, and some valuable hints from Mr Tait's work, which the author begs leave gratefully to acknowledge.

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COMMISSIONERS,

THAT HAVE REPRESENTED OUR SOVEREIGNS IN ASSEMBLIES,
FROM THE YEAR 1638 TO 1820.

1638	Marquis of Hamilton	1712	John Duke of Athole
39	Earl of Traquair	13	Id.
40	None	14	Id.
41	Earl of Wemyss	15	John Earl of Rothes
42	Earl of Dunfermline	16	Id.
43	Sir Thomas Hope, Ld. Adv.	17	Id.
44	None	18	Id.
45	None	19	Id.
46	The King writes he could not send one	20	Id.
47	None	21	Id.
48	None	22	Hugh Earl of Loudoun
49	None	23	Charles Earl of Hopetoun
90	John Lord Carmichael	24	James Earl of Findlater
92	Robert Earl of Lothian	25	Charles Earl of Hopetoun
94	Id.	26	Id.
95	Id.	27	James Earl of Findlater
96	Id.	28	Hugh Earl of Loudoun
97	Id.	29	David Earl of Buchan
98	Id.	30	Hugh Earl of Loudoun
99	Id.	31	Id.
1700	James Earl of Seafeld	32	William Marquis of Lothian
01	William Earl of Annandale	33	Id.
02	Patrick Earl of Marchmont	34	Id.
03	James Earl of Seafeld	35	Id.
04	William Lord Ross	36	Id.
05	William Earl of Annandale	37	Id.
06	David Earl of Glasgow	38	Id.
07	Id.	39	John Earl of Hyndford
08	Id.	40	Id.
09	Id.	41	Alexander Earl of Leven
10	Id.	42	Id.
11	William Earl of Annandale	43	Id.
		44	Id.

1745 Alexander Earl of Leven	1783 David Earl of Leven
46 Id.	84 Id.
47 Id.	85 Id.
48 Id.	86 Id.
49 Id.	87 Id.
50 Id.	88 Id.
51 Id.	89 Id.
52 Id.	90 Id.
53 Id.	91 Id.
54 John Earl of Hopetoun	92 Id.
55 Charles Lord Cathcart	93 Id.
56 Id.	94 Id.
57 Id.	95 Id.
58 Id.	96 Id.
59 Id.	97 Id.
60 Id.	98 Id.
61 Id.	99 Id.
62 Id.	1800 Id.
63 Id.	01 Id.
64 John Earl of Glasgow	02 Francis Lord Napier
65 Id.	03 Id.
66 Id.	04 Id.
67 Id.	05 Id.
68 Id.	06 Id.
69 Id.	07 Id.
70 Id.	08 Id.
71 Id.	09 Id.
72 Id.	10 Id.
73 Charles Lord Cathcart	11 Id.
74 Id.	12 Id.
75 Id.	13 Id.
76 Id.	14 Id.
77 George Earl of Dalhousie	15 Id.
78 Id.	16 Id.
79 Id.	17 William Earl of Errol
80 Id.	18 Id.
81 Id.	19 George Earl of Morton
82 Id.	20 Id.

MODERATORS OF ASSEMBLIES,

FROM THE YEAR 1638 TO 1820.

1633 Alexander Henderson
39 David Dickson
40 Andrew Ramsay
41 Id.
42 Robert Douglas
43 Alexander Henderson
44 James Bonnar
45 Robert Douglas
46 Robert Blair
47 Robert Douglas
48 George Gillespie
49 Robert Douglas
90 Hugh Kennedy
92 William Crichton
94 John Law
95 Patrick Simpson
96 Id.
97 William Crichton
98 George Meldrum
99 George Hamilton
1700 David Blair
01 Thomas Wilkie
02 David Williamson
03 George Meldrum
04 Thomas Wilkie
05 William Carstairs
06 William Wishart
07 John Stirling
08 William Carstairs
09 John Curry
10 William Mitchel
11 William Carstairs
12 William Hamilton

1713 William Wishart
14 William Mitchel
15 William Carstairs
16 William Hamilton
17 William Mitchell
18 William Wishart
19 James Grierson
20 William Hamilton
21 Thomas Black
22 William Mitchel
23 James Smith
24 William Wishart
25 James Alston
26 William Mitchel
27 William Hamilton
28 William Wishart
29 James Alston
30 William Hamilton
31 James Smith
32 Niel Campbell
33 John Gowdie
34 James Gordon
35 Alexander Anderson
36 Lauchlan Macintosh
37 Neil Campbell
38 James Ramsay
39 James Bannatyne
40 George Logan
41 James Ramsay
42 Thomas Tullideph
43 Robert Wallace
44 John Adams
45 William Wishart

- | | |
|----------------------|-----------------------------|
| 1746 John Lumsden | 1784 John Drysdale |
| 47 Robert Kinloch | 85 Sir H. Moncrief Wellwood |
| 48 George Wishart | 86 Duncan Shaw |
| 49 Patrick Cuming | 87 Robert Liston |
| 50 Robert Paton | 88 Archibald Davidson |
| 51 James Mackie | 89 George Hill |
| 52 Patrick Cuming | 90 John Walker |
| 53 Alexander Webster | 91 Robert Small |
| 54 Robert Hamilton | 92 Andrew Hunter |
| 55 George Reid | 93 Thomas Hardy |
| 56 Patrick Cuming | 94 Robert Arnot |
| 57 William Leechman | 95 James Meek |
| 58 Thomas Turnbull | 96 William Greenfield |
| 59 George Hay | 97 John Adamson |
| 60 Robert Hamilton | 98 William Taylor |
| 61 John Hyndman | 99 William Moodie |
| 62 Robert Trail | 1800 George Baird |
| 63 William Robertson | 01 William Ritchie |
| 64 Alexander Gerard | 02 James Finlayson |
| 65 James Oswald | 03 Gilbert Gerard |
| 66 John Hamilton | 04 John Inglis |
| 67 James Murison | 05 George Hamilton |
| 68 Gilbert Hamilton | 06 William Taylor |
| 69 James Macnight | 07 James Sheriffs |
| 70 Alexander Carlye | 08 Andrew Grant |
| 71 Robert Walker | 09 Francis Nicol |
| 72 Adam Ferguson | 10 Hugh Micklejohn |
| 73 John Drysdale | 11 Alexander Ranken |
| 74 Robert Henry | 12 William Macmorine |
| 75 David Shaw | 13 Andrew Brown |
| 76 John Ker | 14 David Ritchie |
| 77 James Brown | 15 Lewis Gordon |
| 78 Patrick Grant | 16 John Cook |
| 79 James Gillespie | 17 Gavin Gibb |
| 80 Harry Spence | 18 John Campbell |
| 81 William Dalrymple | 19 Duncan Macfarlane |
| 82 Joseph M'Cormick | 20 Thomas Macknight |
| 83 Harry Grieve | |

AN
ABRIDGMENT
OF THE
Acts of the General Assemblies
OF THE
CHURCH OF SCOTLAND.

ABSOLUTION*.

I. A person censured and absolved from his scandal in another congregation than where he lives, is to bring a testimonial of his absolution, which is to be intimated to the congregation he lives in, if the scandal be also flagrant there; otherwise it will be sufficient to intimate the same to the session; and the same is to be done in the case of the profession of repentance, where there has been a sentence of the lesser excommunication.—*Form Proc. cap. 4. § 19. Act 11. Ass. 1707.*

II. If after excommunication, signs of repentance appear in the excommunicated person, and an humble desire of recovering peace with God and his people, and of being restored to the communion of the church; and if the presbytery, upon his application, be satisfied therewith, and give warrant for his absolution, he is to be brought before the congregation, to make free confession of his sin, and sorrow for

* See Scandals. 12.

it; and this appearance is to be 'as often as shall be found for edification, and trial of the professing penitent's sincerity: and being satisfied in this, the minister and congregation are to praise God, for his blessing the ordinance, and making it effectual. But before the minister proceed to absolution, he is to pray, with the congregation, That God would mercifully accept his creature (the person to be absolved), and that it would please God, by his spirit and grace, to make him a sincere and unfeigned penitent, and so to accept him, that his former disobedience may never be laid to his charge, and that he may increase in all godliness; so that Satan in the end may be trodden under foot by the power of our Lord Jesus Christ, and God may be glorified, the church edified, and the penitent saved in the day of the Lord.—*Form Proc. cap. 9. § 1.* Then follows the sentence of absolution in these or the like words:—"Whereas thou N. hast been for thy sin, shut out from the communion of the faithful, and hast now manifested thy repentance, wherein the church resteth satisfied; I, in the name of the Lord Jesus, before this congregation, pronounce and declare thee absolved from the sentence of excommunication formerly denounced against thee, and do receive thee to the communion of the church, and the free use of all the ordinances of Christ, that thou mayest be partaker of all his benefits to thy eternal salvation."—*Ibid. § 2.* After the sentence of absolution, the minister speaketh to him as a brother, exhorting him to watch and pray, and comforting him as there shall be cause. The elders embrace, and the whole congregation hold communion with him as one of their own: and the absolution should be intimated in all the churches where the excommunication was intimated.—*Ibid. § 3. Act 11. Ass. 1707.*

ACTS OF ASSEMBLY.

I. The six pretended assemblies,—at Linlithgow, 1606, and 1608; Aberdeen, 1616; St Andrews, 1617; and Perth, 1618, are condemned as unlawful, and their acts annulled;

and the reasons thereof set down at large, in *Act Sess.* 12. *Dec.* 4. *Ass.* 1638.

II. That all acts made anent keeping assemblies be observed.—*Act Sess.* 23, 24. *Dec.* 17, 18. *Ass.* 1638 *Act.* 9.

III. All commissioners from presbyteries, burghs, and universities, ordained to get under the clerk's hand an *index* of the acts, till the acts themselves be extracted, and thereafter to get the full extract of the whole general acts, to be inserted in their presbytery books; whereby all their proceedings may be regulated in time coming: and recommended to every kirk-session to obtain an extract of these acts.—*Act Sess.* 26. *Dec.* 20. *Ass.* 1638. This innovated by the following acts.

IV. An overture, that some commissioners be appointed to visit and peruse the whole acts of general assemblies, and to mark such acts as are for the use of the kirk in general, and to extract the same out of the registers, to the effect, that after they are tried they may be printed, according to the old act of assembly at Edinburgh, March 7, 1574, *Sess.* 9, is allowed and remitted to the care of the presbytery of Edinburgh, and they to report to the next assembly.—*Act Sess.* 22. *Aug.* 29. *Ass.* 1639. *Art.* 1.

V. Recommended to every parish and session, to buy the printed acts of the assembly; and presbyteries are ordained to crave account thereof from all ministers, before their going to provincial assemblies; and appointed, that every provincial assembly crave account from presbyteries in their trials, if every session be so provided, and that they try the diligence of presbyteries and ministers used for that effect.—*Act Sess.* 18. *Feb.* 12. *Ass.* 1645.

VI. Enacted, That before any general assembly of this church pass any acts which are to be binding rules and constitutions to the church, these acts be first proposed as overtures to the assembly; and being passed by them as such, be remitted to the consideration of the several presbyteries of the church, and their opinions and consent reported by their commissioners to the next general assembly following, who

may then pass them into acts, if the general sense of the church, thus procured, agree thereto.—*Act 9. Ass. 1797.*

VII. Enacted, That when any thing of public concern and great weight is proposed to the assembly, to be past as overtures or acts, for a standing rule to the church, after the first reading, it be delayed till the next day of the assembly's sitting, and lie on the table to be seen and considered by all the members; and likewise, when any thing is past as overtures by the assembly, that all and every presbytery read them publicly in their presbyterial meeting once before the first meeting of the synod next after the assembly, and consider them; and that this be recorded in their presbytery book, and enquired into by their synods in visiting presbytery books. And 'tis recommended to all presbyteries to send in an account of their judgment and opinion thereanent, with their commissioners to the assembly, in writ, but as briefly as may be, and the overtures to be printed after the acts. And 'tis appointed that each minister and kirk-session have a copy of all the printed acts of the assembly; and that enquiry be made into this at presbyterial and synodical censures, and their diligence recorded.—*Act 16. Ass. 1700.*

VIII. Recommended to the several presbyteries and kirk-sessions, who want the acts of former assemblies, to furnish themselves therewith; and the agent for the kirk is appointed in all time coming, after every assembly, as soon as the acts thereof shall be printed, to transmit as many copies of the same to every presbytery within the kingdom, as will serve them, and each parish within their bounds; and both presbyteries and sessions are ordained, at their first meeting, after receiving the said acts, to cause read the same, at least so many of them as are of public concern, and which relate to themselves, in order to their observing thereof; and all this to be upon the charges of the several presbyteries and sessions: And synods are enjoined to enquire at presbyteries, how this act is observed, and cause mark their diligence thereanent in their books: And the commission is appointed

to use their endeavours that this act be made effectual, and duly observed by these concerned.—*Act 18. Ass. 1705.*

IX. Enacted, That no act rescissory of any standing acts of the general assembly be passed, until such acts rescissory be first transmitted to presbyteries, and their general opinion had for rescinding the same.—*Act 8. Ass. 1736.*

X. Act Sess. 18. Feb. 12. Ass. 1645 ^a Act 16. Ass. 1700 ^b and Act 18. Ass. 1705 ^c are revived in *Act 7. Ass. 1773.*

XI. Resolved, That the assembly take two hundred copies of the printed acts annually, viz. one for the moderator, and one for the clerk of each presbytery, one for each synod, and one for each university, and one for the faculty of advocates: And ordered, That the acts be left at the Society's Hall, and presbyteries and synods send for their copies on or before the 1st day of December annually, certifying if they do not send for them on or before that day, they will be sent by post at their expense. And farther, when they do send for their copies, they shall send a receipt therefore, that the clerks of assembly may have evidence of their being delivered.—*Act 12. Ass. 1779.*

ADDRESS*.

I. Address by the assembly to King William, upon the occasion of the peace concluded at Reswick, betwixt his Majesty and his Allies, and the French King.—*Act 4. Ass. 1698.*

II. Address by the assembly to Queen Anne, representing the church's grievances from the extraordinary growth of Popery, the disorders of some of the Episcopal clergy, and the abounding of immorality and profaneness, and begging redress.—*Act 8. Ass. 1703.*

III. Address by the assembly to the Queen, humbly thank-

^a Supra, 5. ^b Ibid. 7. ^c Ibid. 8.

* See Declaration, 15. Oath, 4. 5.

ing her for her tender care of this church, and for her gracious answer to the address of their brethren, the distressed and persecuted Protestants of France.—*Act 18. Ass. 1707.*

IV. Another address, congratulating her Majesty upon defeating the late attempt of an invasion from France in favour of the Pretender.—*Act 5. Ass. 1708.*

V. The assembly addresses the Queen, begging, that she would give countenance to such requests as might be laid before her, by their Commission, for a redress of the church's grievances, and interpose her royal authority for that end.—*Act 18. Ass. 1712.*

VI. The assembly, in an address, congratulates her Majesty, upon her recovery from a late indisposition.—*Act 4. Ass. 1714.*

VII. The assembly, by an address, lays before her Majesty, the extraordinary growth of Popery, and insolence of Priests and Papists, by avowedly keeping, and resorting to, chapels and mass-meetings, and also the disorders of some of the Episcopal clergy. They vindicate themselves from the aspersions of disloyalty cast upon them by those who are disaffected to the Protestant succession and church establishment; and they regret the abounding of error and profanity; and humbly entreat for a vigorous execution of the laws against Popery and profaneness; and that all practices and attempts against religion and the church establishment might be prevented and punished.—*Act 12. Ass. 1714.*

VIII. The assembly, in an address, congratulates his Majesty King George (I.) in most affectionate terms, upon the suppression of the rebellion.—*Act 6. Ass. 1716.*

IX. The assembly presents an humble address to the King respecting the growth of Popery, with a large memorial of particular instances of the increase of that evil.—*Act 6. Ass. 1722.*

X. The assembly, in another address, declare their detestation of the execrable conspiracy against the King's person and government, approve of an address by the Commission,

and express their joy, that it had pleased God to assist in making a seasonable discovery of the design.—*Act 4. Ass. 1723.*

XI. The assembly address the King, giving him a particular representation of grievances from Papists, and the irregular practices of the nonjuror and prelatical clergy.—*Act 11. Ass. 1727.*

XII. The assembly, in an humble address to the King, (George II.) express their sorrow for the death of the late King; and declare their joy and satisfaction on the present King's quiet and peaceable accession to the throne.—*Act 4. Ass. 1728.*

XIII. Another address, congratulating the King upon the marriage of the Princess Royal with his Serene Highness the Prince of Orange.—*Act 4. Ass. 1734.*

XIV. Another congratulatory address to his Majesty, on occasion of the marriage of the Prince of Wales with her Serene Highness Augusta of Saxe Gotha.—*Act 4. Ass. 1736.*

XV. The commissioners appointed by the general assembly, address the King for a repeal of the act of the 10th of Queen Anne, establishing the right of patrons to present to vacant churches, and a restoration of their privileges mentioned in the act of union.—*Act 6. Ass. 1736.*

XVI. An address to the King on the success of his arms against the Spaniards; and particularly on the victory at Carthage.—*Act 7. Ass. 1741.*

XVII. The assembly, in an address, testify their abhorrence of the intended invasion of his Majesty's kingdoms; declare their loyalty, and their resolution to support his government, the great bulwark, under God, of their religion, law, and liberty.—*Act 8. Ass. 1744.*

XVIII. In another address, the general assembly declare their detestation of the unnatural rebellion; and congratulate his Majesty on the success of his arms over the rebels.—*Act 5. Ass. 1746.*

XIX. The assembly, in another address, congratulate the

King on the return of national tranquillity; they express their regard to his person and government, and testify their satisfaction in the success of his councils and arms, which, through God, secured to them the undisturbed exercise of the best religion, and the full enjoyment of a British Constitution.—*Act 8. Ass. 1749.*

XX. Another address, congratulating the King on the birth of a Prince in his House, the son of their Royal Highnesses the Prince and Princess of Wales.—*Act 7. Ass. 1750.*

XXI. The assembly address the King on the occasion of his declaring war against France; giving him the assurance of the loyalty of the people of Scotland.—*Act 4. Ass. 1756.*

XXII. An address in which the general assembly congratulate the King on the signal successes with which God hath blessed his arms since their last meeting.—*Act. 4. Ass. 1760.*

XXIII. The assembly, in affectionate terms, address his Majesty (George III.) expressing their sorrow for the death of his royal grandfather; and declaring their satisfaction on his quiet and peaceable accession to the throne of his fathers.—*Act. 4. Ass. 1761.*

XXIV. XXV. XXVI. The general assembly, in an address, congratulate the King on his nuptials with a Princess of illustrious birth and eminent virtues: And in one to the Queen congratulate her on her arrival in these kingdoms, and on her marriage with a monarch who by his virtues and government has acquired the affection and confidence of his subjects: And in another assure the Princess of Wales of their sincere joy at the union of the King her son with a Princess of exalted birth and amiable endowments.—*Acts. 6, 7, 8. Ass. 1762.*

XXVII. XXVIII. The assembly address the King, expressing their warm congratulations on the re-establishment of peace, after a long, successful, yet burdensome war; and present to their Majesties their humble congratulations on the birth of the Prince of Wales.—*Acts. 4, 5. Ass. 1763.*

XXIX. The assembly again address the King expressing

their concern for the spirit of dissention which then disturbed the seat of government, and alarmed the remotest parts of the kingdom; and declaring their sincere attachment to his person and family.—*Act. 4. Ass. 1769.*

XXX. The assembly, in an affectionate address, congratulate the King on the birth of a Princess.—*Act. 4. Ass. 1770.*

XXXI. In another declare their joy on the birth of a Prince.—*Act. 4. Ass. 1773.*

XXXII. And in another on the birth of a third Prince.—*Act. 4. Ass. 1774.*

XXXIII. In a warm address, the assembly present their sincere condolence on the untimely death of his Majesty's sister, the late Queen of Denmark.—*Act. 4. Ass. 1775.*

XXXIV. XXXV. The assembly, in loyal and affectionate expressions, address the King on the situation of affairs during the war in North America: And, in another address, congratulate him on the birth of another Prince.—*Acts. 4, 5. Ass. 1776.*

XXXVI. XXXVII. XXXVIII. XXXIX. XL. The assembly, in acts 4. of assemblies 1777, 1778, 1779, 1781, 1782, address the King, congratulating him on several additions to the Royal Family; and expressing their loyalty and affection during the contest in North America.

XLI. XLII. The assembly, in expressions of attachment, address his Majesty on the conclusion of the American war, and the return of peace and tranquillity to the kingdom; and on the birth of a Princess.—*Act. 4. Ass. 1783, 1784.*

XLIII. Another address congratulating the King on the effects of those measures which prevented the nation from being involved in war; and declaring the assembly's resolution of commemorating the anniversary of the Revolution in 1688.—*Act. 4. Ass. 1788.*

XLIV. XLV. The assembly in two addresses, couched in the most affectionate expressions, congratulate their Majesties on the King's recovery from an alarming illness.—*Acts. 4, 5. Ass. 1789.*

XLVI. XLVII. XLVIII. The assembly, in act 4, assem-

bly 1792, address the King on the marriage of the Duke of York: And in acts 4, assemblies 1793, 1794, address him on the subject of the war with France.

XLIX. L. The assembly address the King and Prince of Wales on the marriage of the latter.—*Acts. 4, 5. Ass. 1795.*

LI. LII. In loyal, dutiful, and affectionate terms, the assembly address the King on his late preservation when attacked upon his way to the house of Peers; and in another congratulate him on the birth of a Princess, daughter to the Prince and Princess of Wales.—*Acts. 4, 5. Ass. 1796.*

LIII. Another address on the marriage of her Royal Highness the Princess Royal, with his serene Highness the Hereditary Prince of Wirtemberg Stutgard.—*Act 4. Ass. 1797.*

LIV. Another address, in most loyal and dutiful expressions, on the subject of the present arduous contest in which the nation is engaged with France.—*Act 4. Ass. 1798.*

LV. The assembly, in loyal terms, address his Majesty on the situation of public affairs during the present French war. *Act 4. Ass. 1799.*

LVI. LVII. LVIII. Another address conceived in warm and affectionate expressions on the King's providential escape from the hands of a traitorous assassin: Another on the present posture of public affairs, in Acts 3. 5. Ass. 1800: And another on the situation of public affairs.—*Act 4. Ass. 1801.*

LIX. An address to the King on the restoration of the blessings of peace, is contained in *Act 5. Ass. 1802.*

LX. A warm and affectionate address to the King on the defeat of an atrocious conspiracy against his life, and the constitution of the country; and on the present crisis of public affairs.—*Act 6. Ass. 1803.*

LXI.—LXVI. Addresses to the King on the situation of public affairs, are contained in *Acts 4. Ass. 1804, 1805, 1806, 1807, 1808, 1809.*

LXVII. An address to the King on the fiftieth anniversary of his accession to the throne.—*Act 4. Ass. 1810.*

LXVIII. A warm and dutiful address to the Prince Regent

on the illness of his Royal Father, and the death of the Princess Amelia.—*Act 4. Ass. 1811.*

LXIX. LXX. Addresses to the Prince Regent on the King's illness, and the situation of public affairs.—*Act. 4. Ass. 1812, 1813.*

LXXI. An address expressive of sympathy for the King's indisposition, and congratulation on the success of the allied powers.—*Act 4. Ass. 1814.*

LXXII. Another on the King's protracted illness, peace with America, and the change of affairs by the return of the Ex King of France.—*Act. 4. Ass. 1815.*

LXXIII. Another on the King's illness, the conclusion of peace, and the marriage of the Princess Charlotte with Leopold Prince of Saxe Coburg.—*Act 4. Ass. 1816.*

LXXIV. An affectionate address to the Prince Regent on the King's continued indisposition, the atrocious assault on the person of his Royal Highness, and the situation of affairs.—*Act. 4. Ass. 1817.*

LXXV. A loyal and warm address to the same, on the illness of his Royal Father, and the lamented death of his amiable and beloved daughter.—*Act 4. Ass. 1818.*

LXXVI. Another loyal and warm address to the same, on the King's long indisposition, and the death of the Queen.—*Act. 4. Ass. 1819.*

ANNEXATIONS.

I. The presbytery of Sky adjoined to the provincial synod of Argyle.—*Act. Sess. 7. Aug. 3. Ass. 1642.*

II. Ordered, That the entry and possession of the new erected presbytery of Biggar, consisting of the twelve kirks mentioned in the act, be immediate, and that the kirk of Biggar be the presbytery seat; and 'tis referred to the commission to determine to what Synod that presbytery shall be subordinate, and to prescribe the order and solemnities that shall be necessary, for entering and possessing the ministers

and elders of the said presbytery.—*Act. Sess. 5. June 3. Ass. 1644.*

III. The presbyteries of Kirkwall in Orkney, and Scalloway in Zetland, are joined to the provincial of Caithness and Sutherland, and the same is to meet only once in the year, in respect of their great distance and the interjection of seas; and the place of their first meeting is appointed by the act; but 'tis left to the provincial itself, to appoint the place of their after meetings.—*Act. Sess. 11. June 15. Ass. 1646.*

IV. The presbytery of Zetland is disjoined from the provincial of Caithness and Orkney, and the said presbytery subordinated immediately to the general assembly; for which cause, their commissioners are to be sent to each assembly the more carefully: And 'tis recommended to them, that they send to the next assembly a particular information of the quality and condition of all their kirks according to Act Sess. 7. Ass. 1647.^a—*Act Sess. 35. Aug. 9. Ass. 1648.*

V. The parishes of Ballantrae and Calmunel are disjoined from the presbytery of Air, and annexed to that of Stranraer; and the parishes of Kirkmabreck, Kells, Dalry, and Carsfern, are disjoined from the presbytery of Kirkcudbright, and annexed to that of Wigton.—*Act 4. Ass. 1699.*

VI. Strathbogie presbytery is disjoined from the synod of Aberdeen, and again annexed to that of Murray, as formerly.—*Act 4. Ass. 1700.*

VII. The synod of Angus and Mearns and the synod of Aberdeen disjoined, and appointed to meet in two distinct synods in their usual places, according to Act Dec. 1638.^b—*Act. 7. Ass. 1701.*

VIII. The parishes of Dalry and Carsfern are disjoined from the presbytery of Wigton, and reunited, and again annexed to the presbytery of Kirkcudbright, as they were before the Act 4. Ass. 1699.^c—*Act. 13. Ass. 1703.*

IX. The act June 15. Ass. 1646,^d is revived, and the synod

^a Kirks, 5.

^b Synods, 1.

^c Supra, 5.

^d Supra, 3.

of Caithness appointed to enquire diligently into the state of affairs in Zetland; and 'tis declared, That this act shall obtain and stand in force, until the same be recalled by a subsequent assembly; and that, notwithstanding the act Aug. 9. Ass. 1648,^e disjoining the presbytery of Zetland from that synod. But 'tis declared, That notwithstanding this annexation, the presbytery of Dornock shall still continue to meet and act presbyterially with the presbytery of Ross, as formerly.—*Act. 4. Ass. 1704.*

X. Act April 11. 1706,^f ratified, without disjoining the presbyteries of Zetland or Caithness, or annexing the presbytery of Sutherland thereto; and the presbytery of Orkney is divided into two, and the ministers of the parishes in the Main-land and South Isles, with a ruling elder for each minister are erected into one presbytery, called the presbytery of Kirkwall, to meet at Kirkwall: And the ministers of North Isles, with a ruling elder for each minister, are erected into another presbytery, to be called the presbytery of the North Islands; to meet at Edday.—*Act. 10. Ass. 1707.*

XI. The parishes of Glenelg, Kintail, Lochailish, Lochcarron, Gairloch, Lochbroom, and Assint, are erected into a presbytery, called the presbytery of Gairloch, to have their ordinary meeting in that place. And the parishes of Kilmalie, Kilmanivaig, Abertarff, Laggan and Urquhart, and Glenmoristoun, are erected into another presbytery, called Abertarff; to meet at Killiewhimmin. And the whole parishes in the Isle of Sky are erected into another presbytery, named Sky; their ordinary meetings to be at Strowan in Braccadale. These, with the presbytery of Long Island, to be erected into a synod, named Glenelg; to meet at Glenelg.—*Act. 5. Ass. 1724.*

XII. The parishes of Kirkwall, Deerness and St Andrews, Holme, South Ronaldsay, Eire, and Rendal, are united into one presbytery, called Kirkwall; to meet at Kirkwall. The

^e Synods, 4.

^f An unprinted act.

parishes of Birsay and Harray, Firth and Stenhouse, Orphir, Sandwich, and Stromness, Gramsay and Hoy, are united into one presbytery, called Cairstoun; their ordinary meetings to be at Cairstoun. The parishes of Ronsay, Egilshay, Westray and Papa Westray, Cross Parish, Burness and North Ronaldsay, Lady Parish, Stronsay and Eday, and Shapinshay, to continue their meetings as formerly at Eday, and to retain the name of the presbytery of the North Isles. And these three presbyteries are erected into a synod, called Orkney; to meet at Kirkwall.—*Act. 5. Ass. 1725.*

XIII. The parishes of Diurness, Edrachilles, Tong, and Far, are disjoined from the presbytery of Caithness, and the parishes of Kildonan and Assint from that of Dornock, and erected into a presbytery called Tong; to meet at Tong. The presbytery of Dornock is disjoined from the synod of Ross, and, along with Caithness and Tong, erected into a synod, called Caithness and Sutherland, to meet at Dornock and Thurso *per vices*.—*Act. 4. Ass. 1726.*

XIV. The parishes within the isles of Mull, Tiree, and Coll, and the country of Arduamurchan, Sunnard, and Morven, consisting of six ministerial charges, viz. Torosay, Morven, Tiree, Arduamurchan, Kilfinichen, and Kiluinian, are erected into a presbytery, named Mull, to meet at Arras in Mull: And the parishes of Lismore and Appin, Ardchattan and Muckairn, Kilmoir and Kilbride, Kilbranden and Kilchatten, Kilninver and Kilmelfort, are erected into a presbytery, called Lorn; their place of meeting Kilmoir—*Act 5. Ass. 1729.*

XV. Presbyteries are discharged from consenting to, or conniving at the suppression or annexation of parishes, without the consent or approbation of the synod of the bounds, or the general assembly.—*Act 5. Ass. 1740.*

XVI. The parishes of Lochs, Stornoway, Barfas and Uig, are disjoined from the presbytery of Long Island, and erected into a presbytery, called Lewis, to meet at Carlaway: And the parishes of Harris, North Uist, South Uist, and Barra,

are erected into another presbytery, named Uist; their ordinary meetings to be at Carinish.—*Act 4. Ass. 1742.*

XVII. The parishes of Annan, Hoddam, Dornoch, Middlebee, Kirkpatrick, and Gretna from the presbytery of Middlebee, and the parishes of Cummertrees and Ruthwell from the presbytery of Lochmaben, are erected into a presbytery named Annan, to meet at Annan. And the parishes of Langholm, Ewes, Westerkirk, Eskdalemoor, from the presbytery of Middlebee, and the parish of Castletoun, from that of Jedburgh, are erected into a presbytery, called Langholm; their place of meeting Langholm.—*Act 5. Ass. 1743.*

XVIII. Synods are prohibited to disjoin any parish from a presbytery, and annex the same to another, without first having the authority of the general assembly; and that what shall be done in virtue of such authority, be reported to the assembly next following, and their approbation had to any such annexation or disjunction.—*Act. 5. Ass. 1745.*

XIX. The parish of Nenthorn is disjoined from the presbytery of Lauder, and annexed to that of Kelso; and the ministers of Nenthorn declared constituent members of the presbytery of Kelso in all time coming.—*Act 8. Ass. 1776.*

APPEALS*.

I. That in all time thereafter, no appellations be, leaping over either presbytery or synod, but to ascend by degrees; as, from the kirk-session to the presbytery, or from the presbytery to the synod, and from the synod to the general assembly; except it be after the synod be past, and immediately before the general assembly, or in the time thereof: And all former acts made to this effect are renewed.—*Act Sess. 23. Aug. 30. Ass. 1639.*

II. That the foresaid acts anent appeals be extended also to bills and references; that all bills whatever of particular

* Transportations. Citations. Ordering assembly house, 4.

concern, wherunto all parties having interest are not cited, be rejected; that all bills be first presented to the inferior judicatures of the kirk, which may competently consider of them, and from them be orderly and *gradatim* brought to the assembly, according to the order prescribed in the above act; that, if all the parties having interest in appellations and references of particular concernment, have been present in the inferior judicature when the appeal and reference was made, there is no necessity for citation; but, in case of their absence, citation of parties is so necessary, that if it be wanting, appellations and references should not be received; that conform to former acts of assemblies, appellations, *post sententiam*, be made within ten days after the sentence, and otherwise not to be respected.—*Overt. Sess. 2. Art. 1, 2, 3, 4, 5. Aug. 3. Ass. 1643.*

III. For clearing the sense of article 5, above mentioned, 'tis declared, That if appellations, *post latam sententiam*, be not presented to the judicatory when the sentence is pronounced, the party shall then immediately after the sentence, protest for liberty of appeal, as he shall see cause; and accordingly within ten days shall give in his appeal, in writ, under his hand, either to the judicatory, or the moderator thereof, otherwise the appeal is not to be respected.—*Act Sess. 30. Aug. 5. Ass. 1648.*

IV. That any appeals made in writ under the appellant's hand, with the reasons thereof, in presence of the judicatory appealed from, shall be extracted by the appellant in due form, from the records of the said judicatory, and produced to the judicatory appealed to, at the discussing thereof, with a citation of the parties defenders therein, either *apud acta* if they be present when the appeal is made, or a separate citation if they be absent; and that all parties, who have immediately after sentence verbally appealed, and protested for liberty to give in their subscribed appeals, with the reasons thereof, within the space of ten days thereafter, according to the former practice, shall, within that space, give in their said

subscribed appeals, with the reasons thereof, to the clerk of the judicatory appealed from, notwithstanding it may be up before that time: And likewise, that they shall within the same ten days, intimate their said appeal, with the reasons of the same, to the moderator of the said judicatory, and leave an authentic copy thereof with him; which appeals and reasons are allowed to be registrated by the clerk, and summons to be directed by him, for citing the parties defenders thereupon; and extracts thereof, with the citation foresaid, are appointed to be produced by the appellants at discussing, to the judicatory appealed to; and the clerk of the judicatory appealed from, is appointed to intimate to the said judicatory, at their first meeting thereafter, that such appeals were given in to him; and all defenders in appeals, who insist upon the discussion thereof, are appointed to produce extracts of the said appeal, and reasons thereof, to the judicatory appealed to. And it is declared, That any appeals or insistings thereanent, otherwise made, shall be rejected.—*Act 8. Ass. 1694.*

V. The appeals and protestations made to the assembly 1696, from the committee of assembly 1694, for the North, declared to be deserted and fallen from, &c. because not insisted in before that assembly.—*Act 26. Ass. 1696.*

VI. All persons who judge themselves lesed by a kirk-session, may appeal to the presbytery at the passing of the sentence, and should thereupon, according to Act 8. Ass. 1694,^a give in the appeal, with the reasons thereof in writ, to the moderator or clerk of the session, within ten days after appealing, and procure and present extracts thereof to the next meeting of the presbytery thereafter, if there be at least ten free days betwixt the time of appealing and the meeting of the presbytery, and should then insist; wherein if the appellant fail, the appeal *ipso facto* falls, and becomes null, and he is held as contumacious, and proceeded against accordingly by

^a *Supra*, 4.

the kirk-session. *Form Proc. cap. 5. § 1.* When a cause brought by an appeal to the presbytery, is of a nature that it must at length have come there by the course of discipline, before the final determination thereof; then they may fall upon the consideration of the affair, without insisting much upon the *bene* or *male appellatum*, though it should seem to be preposterously appealed. *Ibid. § 2.* But if the kirk-session be competent, even to its ultimate decision, and there be no good ground whereon to appeal, the presbytery is not to sustain the appeal. *Ibid. § 3.* If the presbytery do not sustain the appeal, and find there hath been some fault, passion, or culpable mistake in the appellant, the presbytery is to inflict some censure on such appellers as they find to have been malicious or litigious; and that besides remitting back to the session, to stand either to the censure of the session, if it be inflicted already, or to sist themselves during the process if it be depending. *Ibid. § 4.* If the appeal be sustained, and yet upon proceeding on the cause, the presbytery find the appellant censurable, then, whatever censure be inflicted to remove the offence he hath given to the presbytery, yet, if found guilty, he is to undergo a censure, either before the kirk-session, or the congregation he belongs to, such as the presbytery thinks he deserves. *Ibid. § 5.* If the presbytery find the session has proceeded unwarrantably, and that thereby the appellant is lesed, he is not only to be assoilzied, but the presbytery is to do what is proper and effectual to vindicate the appellant's innocence, and wipe off the scandal taken at him. *Ibid. § 6.* But this is to be done with great prudence, that the session's authority may not be weakened, if it can be avoided. *Ibid. § 7.* But the presbytery may give the minister and elders suitable injunctions and rules, or private admonitions, or may revise their register. *Ibid. § 8.* The same method is to be followed in appeals from presbyteries to synods, and from synods to general assemblies. *Ibid. § 9.* An appeal should sist execution only while it is duly and diligently prosecuted, and may be determined; other-

wise not, unless the judicatory appealed to, receive the appeal, and take the affair before them; and in that case, the judicatory appealed from, is to sist until the appeal is discussed.—*Ibid.* § 10. *Act* 11. *Ass.* 1707.

VII. In explanation of the above § 10. cap. 5. Form Proc. 'Tis appointed, That in all time coming, an appeal shall stop the finishing of the settlement of a parish by an inferior judicature, until it is either fallen from or discussed: Nevertheless a presbytery may proceed to take trials, serve the edict, and to all the other previous steps towards the settlement, only the ordination or admission shall stop until the appeal be discussed.—*Act.* 5. *Ass.* 1732.

ARMY.

I. That all colonels find caution for maintaining a minister, and keeping a session in their regiments.—*Act Sess.* 7. *Aug.* 3. *Ass.* 1642.

II. Act laying down a method for the more duly supplying of the regiments in the army with ministers, and the relieving of such as are sent.—*Sess.* 6. *June* 3. *Ass.* 1644.

III. 'Tis recommended to ministers, kirk-sessions, and others concerned, where any of his Majesty's forces are, or shall be ordered to be quartered, to provide them with convenient seats for hearing with the said congregations, and to inspect and notice them, as they do other parishoners, during their abode there; and if need be, to apply to the commanding officers, for taking care, that inferior officers and soldiers attend ordinances, and walk inoffensively. And 'tis recommended to the commission to see how this is performed, and to fall upon ways to provide the forces with preachers, and, upon application, to settle ministers in regiments belonging to this kingdom.—*Act* 13. *Ass.* 1697.

IV. Ministers, kirk-sessions, and presbyteries are appointed to apply to the magistrates of the bounds, and also to the commanding officer in the place, from time to time, as need requires, and to crave that both officers and soldiers under

scandals, may be obliged to submit to the discipline of the church, according to law and her Majesty's gracious proclamation against profaneness: And if this shall be refused or delayed, the assembly appoints the matter to be laid before the commission, that they may do further therein what the law directs.—*Act 5. Ass. 1710.*

V. Kirk-sessions are advised to proceed, without delay, against soldiers under scandals, so soon as the scandal breaks out: and in case the soldiers guilty be removed from their bounds, before any scandal breaks out, or during the dependence of the process against them, 'tis allowed, That the scandalous soldiers satisfy church discipline in the parish where they are quartered for the time: and the kirk-session of that parish is to report what is done, to the kirk-session of the parish in which the scandal broke out, or where the process was commenced, that they may cause intimate the same in their congregation. And church judicatures are advised to proceed with all tenderness and prudence in dealing with strangers, so that the ends of church discipline may be reached. —*Act 13. Ass. 1712.*

ATHEISM*.

I. It is seriously recommended to ministers of the gospel, and they are enjoined, where there is any apparent hazard of contagion from the atheistical principles of such as only go under the name of deists, to warn and guard the Lord's people against that infernal course, and to detect the abominableness of the tenets of these men; such as, the denying of all revealed religion, the grand mysteries of the gospel, viz. "The doctrine of the Trinity, the incarnation of the Messiah, his satisfaction to justice, salvation through him, justification by his imputed righteousness to them who believe in his name, the resurrection of the dead; and in a word, the certainty and authority of scripture revelation: As also, their as-

* See Scandals. 12.

serting, that there must be a mathematical evidence for each purpose, before we can be obliged to assent to any proposition thereanent; and, that natural light is sufficient to salvation." And 'tis required, that the authors that treat well of these subjects, be named to the people, in order to perusal. As likewise, that ministers deal seriously with the seduced, and such as are most in hazard of being perverted, but especially, with seducers and impostors, that, after sufficient instruction and admonition, these may be proceeded against, as scandalous and heretical apostates use to be. And all ministers, and other members of this church, are discharged from publishing or venting either by speaking, writing, printing, teaching or preaching, any doctrine, tenet or opinion, contrary to, or inconsistent with, the Confession of Faith of this church, or any article, part, or proposition therein. And all such as contraveen this act, or any part thereof, are appointed to be censured by the church, according to their demerits.—*Act 21. Ass. 1696.*

II. It is recommended to all ministers and church judicatories, to observe and put in execution the above act 21. *Ass. 1696.—Act 17. Ass. 1697.*

BAPTISM*.

I. That the sacrament of baptism be administered in the face of the congregation, that what is spoken and done, may be heard and seen of all; and that it be administered after sermon, before the blessing.—*Act Sess. 14. Feb. 7. Ass. 1645.*

II. Recommended to presbyteries, to consider of the best means to get the children of ordinary beggars baptized, and to prevent themselves from living in so great vileness.—*Act. Sess. ult. Sept. 1. Ass. 1647.*

III. Recommended to all ministers, in whose parishes persons educated in other protestant churches may happen to re-

* Lords Supper, 5. Remedies Domestic of Sins. Evils of the Kirk, 2.

side, to shew all tenderness to them when they come to desire the benefit of sealing ordinances; and if strangers, free of scandal, and professing their faith in Christ, and obedience to him, shall desire baptism to their children, ministers shall cheerfully comply with their desire, in administering the sacrament of baptism to their children, upon the parent's engaging to educate them in the fear of God, and knowledge of the principles of the reformed protestant religion.—*Act 13. Ass. 1711.*

IV. Declared, That children born within the verge of the visible church, of parents, one or both professing the Christian religion, have a right to baptism; and that no other sponsor but the parents is to be taken, unless the parents be dead, or absent, or grossly ignorant, or under scandal, or contumacious to discipline, such being unfit to stand as sponsors, in transacting a solemn covenant with God; in which cases, the immediate parent, who is in such circumstances, is to be required to provide some fit person; and, if it can be, one related to the parent of the child, should be sponsor. But if either of the parents, whether father or mother, give evidence to church judicatories, and the congregation offended, of their repentance, for removing the scandal, the suspension they were under as to church privileges, should be taken off, according to the rules of this church, and the penitent person be allowed to present the child. In the case of children exposed, whose baptism, after enquiry cannot be known, the kirk-session is to order the presenting of the child to baptism, and to see to the Christian education thereof; and 'tis recommended to the parish, to see to the maintenance of the child; the parent or sponsor ought to speak to the minister of the parish, before the child be offered to baptism.—*Act 4. Ass. 1712.*

BOOKS ERRONEOUS.

I. The book of common prayer is rejected and condemned, not only as illegally introduced into the reformed kirk within

this realm ; but also, as repugnant to the doctrine, discipline, and order of this kirk, to the confession of faith, constitutions of general assemblies, and acts of parliament, establishing the true religion ; and the use and practise thereof is prohibited, and presbyteries are ordained to proceed with the censures of the kirk against such as transgress.—*Act Sess. 14. Dec. 6. Ass. 1638. Art. 1.*

II. The book of canons rejected and condemned, as contrary to the confession of faith, and repugnant to the established government, the book of discipline, the acts and constitutions of our kirk ; and the use and practice of it is prohibited, and presbyteries ordained to proceed with the censures of the kirk, against all such as shall transgress.—*Act ead. Sess. Art. 2.*

III. The book of consecration and admission is rejected and condemned, as establishing offices in God's house which are not warranted by the word of God, and are repugnant to the constitutions of our kirk, as an impediment to entry of fit and worthy men to the ministry, and to the discharge of their duty after their entry, conform to the discipline of our kirk, and the use and practice of the same is prohibited, and presbyteries are ordained to proceed with the censures of the kirk against all such as shall transgress.—*Act Sess. 14. Dec. 6. Ass. 1638. Art. 3.*

IV. The recommendation of the commissioners of the general assembly at St Andrews, 1642, to every minister within their several bounds, especially upon the coasts, or where there are harbours or ports, to try and search for all books tending to separation, is turned into an act of assembly : And every minister is appointed to be careful to try and search, if any such books be brought into this country from beyond seas, and if any shall be found, to present them to presbyteries, that some course may be taken to hinder the dispersing thereof : And 'tis recommended to civil magistrates, to concur with their authority in all things, for the effectual execution thereof.—*Act Sess. 7. Aug. 9. Ass. 1643.*

V. All members of this kirk and kingdom, are inhibited and discharged to converse with persons tainted with the errors of *Independency* and *Separation*; or to import, sell, spread, vend, or disperse their erroneous books or papers: But that they beware of, and abstain from books maintaining *Independency* and *Separation*; and from all *Antinomian*, *Anabaptistical*, and other erroneous books and papers: And all ministers are required to warn their flocks against such books in general, and particularly such as are most plausible, insinuating, and dangerous; and to try carefully, from time to time, if any such books be brought into this kingdom from England, or from beyond seas (which is especially recommended to ministers on the sea coasts, or in towns where any stationers are), and if any be found, to present the same to the presbytery, that some course may be taken to hinder the dispersing thereof. And all presbyteries are ordained to try and process such as shall transgress against the premises, or any part of the same; and it is seriously recommended to civil magistrates to assist ministers and presbyteries, in the execution of this act, and to concur, with their authority, in every thing to that effect.—*Act Sess. 27. Aug. ult. Ass. 1647.*

VI. That presbyteries take special notice of any book or pamphlet framed, contrived, printed, or published by any minister of this church; and examine if there be any thing therein contrary to the doctrine, worship, discipline or government, or prejudicial to the rights and privileges or unity of this church; and that they censure transgressors according to the demerit of the cause.—*Act. 7. Ass. 1707.*

VII. Some passages are collected out of the book, entitled "The Marrow of Modern Divinity," 1st, concerning the nature of faith, asserting, that assurance is of the essence of faith, making that saving faith commanded in the Gospel, a man's persuasion, that Christ is his, and died for him, and that whoever hath not this persuasion and assurance, hath not answered the Gospel call, nor is a true believer: 2dly, Of universal atonement and pardon; asserting an universal re-

demption as to purchase: *3dly*, Asserting that holiness is not necessary to salvation; a doctrine tending to slacken people's diligence in the study of holiness: *4thly*, That fear of punishment and hope of reward, are not allowed to be motives of a believer's obedience: *5thly*, That the believer is not under the law as a rule of life; and sensing and defending the six following Antinomian paradoxes:—that a believer is not under the law, but is altogether delivered from it;—that a believer does not commit sin;—that the Lord can see no sin in a believer;—that the Lord doth not chastise a believer for his sins;—and that a believer hath no cause either to confess his sins, or to crave pardon at the hand of God for them; either to fast or mourn, or humble himself before the Lord for them, by applying to them the distinction of the law of works, and the law of Christ. And the texts of Holy Scripture, articles of our confession of faith, and of the larger catechism of this Church, relating to each passage, are set down; and the said passages and quotations are declared contrary thereto; and the distinction of the law, as it is the law of works, and as it is the law of Christ, as the author applies it, in order to sense and defend the six Antinomian paradoxes above written, is declared altogether groundless; and some expressions taken out of the said book, and set down in the foresaid act, are found exceedingly harsh and offensive: And therefore, all the ministers of this Church are prohibited and discharged, either by preaching, writing, or printing, to recommend the said book, or, in discourse, to say any thing in favour of it; but, on the contrary, are enjoined and required to warn and exhort their people, in whose hands the said book was, or might come, not to read or use the same.—*Act 5. Ass. 1720.*

VIII. The representation and petition signed by twelve ministers, condemning the decision respecting the points of doctrine mentioned in the above Act 5. Ass. 1720, and craving the repeal of it, is found to contain many injurious and undutiful reflections cast upon the supreme judicature of the

Church: And in vindication of the above act, it is declared, that the General Assembly own and maintain, agreeable to the Holy Scriptures, the received doctrine of this Church, contained in the Confession of Faith and Catechisms, concerning, *1st*, The covenants of works and grace; *2dly*, The Mediator, and the extent of his purchase; *3dly*, Free justification; *4thly*, Justifying faith, and its appropriating act; *5thly*, The believer's plea for acceptance with God, and title to eternal life, against the demands of the law and justice; *6thly*, The standing obligations of the moral law in the dispensation of grace, and the necessity of personal holiness and good works, in order to obtain the enjoyment of eternal salvation; *7thly*, The desert of sin, and necessity of repentance in order to remission; *8thly*, Believers' sins, their confessing them, begging pardon, and humbling themselves before the Lord for them. The heads and articles of the representation are largely animadverted upon; and many positions and expressions contained in it censured as pernicious, and tending to mislead the minds of the less judicious into erroneous notions; and therefore, all the ministers of the Church are prohibited and discharged to use by writing, printing, preaching, catechising, or otherwise teaching, any of the positions contained in the representation and book, condemned as erroneous, under pain of the censures of the Church, conform to the demerit of the offence. Ordained, that presbyteries, synods, and commissions of the Assembly, take particular care, that the premises be punctually observed by ministers and members of the Church; particularly the presbyteries and synods within whose bounds any of the brethren who signed the representation reside. The desire, that the above Act 5. Ass. 1720, be repealed, is refused: and appointed, that the ministers who signed the representation, though deserving a higher censure, be only rebuked and admonished by the moderator, in hopes that the great lenity used towards them, shall engage them to a more dutiful behaviour in time coming.—*Act 7. Ass. 1722.*

IX. Recommended earnestly to ministers to exercise the vigilance, and to exert the zeal, which becomes their character, to preserve those under their charge from the contagion of those abominable principles of infidelity and immorality, which are openly avowed in books published of late in this country, and to stir up in them a solicitous concern to guard against them, and against the influence of those who are infected with them.—*Act 4. Ass. 1755.*

BOURIGNIONISM.

I. The writings that go under the name of Madame Antonia Bourignon, found to be freighted with impious, pernicious, and damnable doctrines: Such as, 1. Denying the permission of sin, and the infliction of damnation and vengeance for it. 2. Ascribing to Christ a twofold human nature, one of which was produced of Adam before the woman was formed, and the other born of the Virgin Mary. 3. Denying the decrees of election and reprobation, and loading these acts of grace and sovereignty with a multitude of odious and blasphemous expressions, particularly wickedness, cruelty, and respect of persons. 4. Asserting, that there is a good spirit, and an evil spirit, in the souls of all men before they are born. 5. Maintaining that the will of man is unlimited, and that there must be in man some infinite quality, whereby he may unite himself to God. 6. Denying the doctrine of divine prescience. 7. Asserting the sinful corruption of Christ's human nature, and a rebellion in Christ's natural will to the will of God. And 8. Asserting a state of perfection in this life, and a state of purification in the life to come; that generation takes place in heaven; that there are no true christians in the world; and several other errors contained in the said book. And ratifying and confirming the sentence of suspension past by the commission of assembly 1700, against Dr. Geo. Gardin in Aberdeen; and further, actually deposing him from the office of the ministry, and prohibiting and discharging him from exercising the same, or any part thereof, in all time coming,

under the pain of the highest censures of the church, for his being led away by a spirit of error and very gross delusion, and infected with the foresaid impious, blasphemous, and damnable errors.—*Act 11. Ass. 1701.*

II. The book entitled, an Apology for Madame Antonia Bourignon, of which the said Dr. George Gardin is alleged to be the author, found to contain a mass of dangerous, impious, blasphemous, and damnable errors, and is therefore condemned unanimously; and 'tis seriously recommended to all synods and presbyteries within this national church, and particularly, to the synods of Aberdeen and Perth, to advert to, and enquire anent the spreading of the said errors, and to use all effectual means for preventing the same, conform to the acts of former assemblies made against the spreading of errors, and particularly, Act Sess. 7. Ass. 1647.^a And 'tis recommended to the said judicatories, that, in perusing the said book, and enquiring anent the spreading of the errors therein contained, any thing found to fall under Act 11. Sess. 5. Parl. 1695, or under any other acts of parliament made against blasphemy, be represented to his Majesty's advocate, to the effect that the laws may be put in due execution.—*Act 10. Ass. 1701.*

III. 'Tis earnestly recommended to presbyteries, to use all effectual means to prevent the spreading of the dangerous errors of Bourignonism, and other errors, as enjoined by the above Act 10. Ass. 1701, and other acts therein mentioned; and the commission is instructed to use all suitable endeavours for that purpose, and particularly, that care be taken to suppress the meetings of such as are tainted with these errors.—*Act 12. Ass. 1709.*

IV. All ministers, in whose parishes the gross errors and heresies, going under the name of Bourignonism, abound, are appointed to preach most particularly and faithfully against the same; and all presbyteries, in whose bounds the same pre-

^a Books erroneous, 5.

vail, shall oblige all schoolmasters, teachers, governors of youth, and chaplains, within their province, to subscribe the confession of faith, as the confession of their faith; and if any of the foresaid persons refuse to do the same, the presbytery shall thereupon declare them incapable of such offices, and apply to the heritors and heads of families concerned, in order to their discharging the said persons from the said offices; and in case of their refusal to comply therewith, that the presbytery send up the names of the foresaid persons refusing to sign the confession of faith, to the commission of assembly, with the names of the parishes and families in which they reside, that the commission may proceed against all such, as they see cause: And all presbyteries, in whose bounds there are any society of Bourignonists, avowedly professing these principles, and dispersing books containing the same, are ordained to send to the commission an exact and full account of the particular leading persons of the said societies, together with the names and errors of the books they are dispersing; and the commission is enjoined, to take the most effectual measures for suppressing the same; and instructed to apply to the government, for hindering incorrect, false, and spurious translations of the Bible, to be spread abroad. And 'tis recommended to the professors of divinity within this church, to make a full collection of the errors of Antonia Bourignon, and of such other errors as reflect upon the nature, person, and offices of our Lord Jesus Christ, and to write a confutation of the same.—*Act 9. Ass. 1710.*

BURSARS*.

I. That every presbytery consisting of twelve ministers, shall maintain a bursar of divinity; and where the number is fewer than twelve, they shall be joined with those out of another presbytery, whose number exceeds: When this course

* Highlands, 2. 22. § 5. Schools, 5. Presbyteries, 8. Schoolmasters, 3. Visitations of Kirks, 2. § 5. Christian Knowledge, 3.

is not already kept, that it be begun without delay; and every provincial Synod is ordained to give an account of the number of bursars constantly entertained by their province, to the next ensuing assembly.—*Act Sess. 15. Aug. 7. Ass. 1641. Art. 1.*

II. That young students that have the Irish language, be trained up at colleges in letters, especially in the study of divinity: And to this effect, it is recommended to presbyteries and universities, to prefer to bursaries hopeful students having that language, that they, by their studies, in process of time attaining to knowledge, and being enabled for the ministry, may be sent forth to preach the gospel in these Highland parts, as occasion shall require.—*Act Sess. 13. Aug. 16. Ass. 1643.*

III. Presbyteries are ordained to put the foresaid overture, for maintaining bursars in practice, with all diligence; and to make account thereof to the next assembly.—*Act Sess. 7. June 4. Ass. 1644.*

IV. 1. That every bursar of theology have yearly paid him, for his maintenance, £.100 Scots, at least. 2. That the said maintenance be taken forth of the kirk penalties, according to the design of the first act for maintaining bursars.— 3. That every presbytery consisting of twelve kirks in number, maintain a bursar yearly at the university. 4. That when presbyteries are fewer in number, that they join with other presbyteries to make up that number, and the surplus of the number to be ordered and disposed of by the presbyteries and synods; and that their books bear records thereof. 5. That the kirks of these presbyteries be proportionally stented, according to the communicants in each parish. 6. That the maintenance be collected by the moderator of every presbytery, by equally divided portions; the one half to be brought to the winter synod, and the other half to the summer synod, to be sent to the bursars; and that the several synods take an exact account thereof, and see that all be rightly done, and that their books bear the report thereof to

the general assembly. 7. That the time of bursars abode at the schools of divinity exceed not four years, which being expired, or in case before the expiring of the said time, any be removed either by death, or by some calling to a particular charge, another be presented to the said benefice. 8. That in case any prove deficient in payment of the said maintenance for the time to come, that it shall be carefully exacted by the synods, and sent over to the general assembly, to be disposed of by them, as they shall find expedient, so that no person may have benefit from their slackness and neglect. 9. That all bursars of theology bring sufficient testimonials yearly from the universities where they are bred, of their proficiency and good behaviour; and that they be also ready to give proof of their labours to the several synods, if it shall be required; and if they be found deficient, that they be denuded of the said benefice, and others more hopeful placed in their room; and presbyteries, who have not already done it, are appointed to begin and enter upon the maintaining of their bursars, in manner foresaid, in the year 1645. And 'tis recommended to presbyteries, to make choice of such for the burse, as are of good report, inclined to learning, and have passed their course of philosophy, and to try their qualifications before they send them to universities.—*Act Sess. 14. Feb. 7. Ass. 1645.*

V. The foresaid overtures concerning the providing of bursars for divinity, are recommended to presbyteries and synods; and they are appointed to report their diligence to the next assembly.—*Act Sess. 28. Aug. ult. Ass. 1647.*

VI. Synods are ordained to crave accounts from presbyteries, at every provincial meeting, how they have obeyed the recommendation of preceding assemblies anent bursaries, which with the presbytery's answer, shall be put upon record; that so the part both of presbyteries and synods, and their negligence or diligence in so pious a work, may be known, by the examination of the provincial books, to each general assembly.—*Act Sess. 32, Aug. 7. Ass. 1648.*

VII. That none be sent to universities from presbyteries, or admitted as bursars of divinity, but pious youths, and such as are known to be of good expectation and approven abilities.—*Act Sess. ult. Aug. 6. Ass. 1649.*

VIII. 'Tis recommended to the synods after mentioned, that they maintain bursars of theology, having the Irish language, besides the usual presbytery bursars; and that out of the ministers' own money, which is to be done as follows: viz. the synods of Lothian and Tweeddale, Merse and Tiviotdale, Glasgow and Air, Argyle, Perth and Stirling, and Fife, each of them one; the synods of Dumfries and Galloway, one; and the synods of Angus and Mearns, and Aberdeen, one: And 'tis recommended to them, to proportion the quota of the maintenance, to be given to these bursars, amongst themselves; which is at least to be ten pounds sterling, the one half thereof to be collected and advanced at every synod, beginning at the next ensuing synod; and that the synod books bear an account of their diligence in the same; and that each of the said bursars continue four years at the profession of theology, as other bursars do; and that all presbyteries search out for such well qualified young men, as have passed their course of philosophy at some university, and send in their names to the commission of the general assembly, with sufficient testimonials, so that they may be by them recommended to the said synods, and this act to continue during the assembly's pleasure; and for enlarging the said funds, Act 9. ^a Ass. 1699, anent planting the Highlands, is renewed and revived.—*Act 8. Ass. 1701.*

IX. That the one half of all the bursaries of the presbyteries be-south the Tay, including the part of the synod of Perth that lies be-north the Tay, be paid unto collectors, to be appointed by the respective presbyteries of Edinburgh, Glasgow, and St. Andrews; which presbyteries are to be ac-

^a Highlands, 22.

countable to their respective synods concerned, for what money they receive; the one half thereof to be applied for the education of such youths, as have the Irish language, in philosophy and divinity, at the colleges of Edinburgh, Glasgow, and St. Andrews; and the other half to be disposed of to Lowland bursars, or such other pious uses, as the respective synods shall think fit; and for this end, the Synods of Glasgow, Galloway, and Dumfries, to pay their burses to a collector, to be appointed by the presbytery of Glasgow, and under their inspection, accountable to their synods: In like manner, the synods of Merse, and Lothian, to the presbytery of Edinburgh; the synods of Fife, Perth and Stirling, to the presbytery of St. Andrews; and this to begin at October, 1704, and to continue for four years, and longer, as the general assembly shall see cause: That to the synod of Argyle (who have a gift of vacancies for training youth) a certain small number of the bursaries payable to the collector, appointed by the presbytery of Glasgow, be allotted, and all the rest for the other Highlands; and that none have the benefit of the said bursaries, but such as bring a testimonial or recommendation, from the synods respectively to which they belong, bearing their having been examined by that synod, and the synod's good hopes of them as sober youths, piously inclined,—well affected to the government of church and state,—that they have the Irish language,—good proficient in the Latin, and such as they judge, may, in due time, prove able ministers of the gospel, or schoolmasters; and that they have obliged themselves to employ their talents in these services in the Highlands, either within the bounds of the synods recommending them, or some others by their allowance; and that these testimonials be recorded with their names, and reported to each general assembly; and the Act 8. Ass. 1701, is renewed, appointed to be observed till the general assembly see cause to recal the same.—*Act 13. Ass. 1704.*

X. The above Act. 13. Ass. 1704; explained; and 'tis de-

clared, that the disposal of all these bursaries, is only in the power of the synods, and not of the presbyteries; and 'tis left to the direction of the several synods, to apply that act either to bursaries then current, or only to such as were vacant at the date of the act, as they find convenient; and for that end, 'tis recommended to the said synods, to take an account from their respective presbyteries, what burses they have in their bounds, and at what time these burses will fall vacant; and that the presbyteries be joined two and two for making one Lowland burse of their two halves, appointed by the foresaid act for that end: And in case there be an odd presbytery in a synod, that such synod, dispose of that odd presbytery's half, to such pious uses, as the synod shall think fit.—*Act 11. Ass. 1705.*

XI. Enquiry is ordered to be made; 1. How Acts 9. ^a 16. ^b Ass. 1699, and Act 9. ^c Ass. 1703, are observed. 2. That enquiry be made, what bursars there are having the Irish language, and how the acts made concerning them are obeyed; particularly Acts 13. ^d 14. ^e Ass. 1704, and Acts 5. ^f 11. ^g Ass. 1705. 8. That at each assembly, the names of the Irish bursars be called for, and an account thereof given in to the clerk; as also, what hope there is of their being useful in this church; and the commission is impowered to put this act and the acts above mentioned in execution. *Act 14. Ass 1707.*

XII. The collections ordered, by Act 13, ^h Ass. 1704, for maintaining bursars, are again enjoined; and synods are appointed to see this done, and record their diligence in their books; and the said act is revived, until the next Assembly: And 'tis referred to the commission to prepare the overtures for the right application and management of the foresaid bursaries for the future, and report to the next assembly. *Act 14. Ass. 1709.*

XIII 'Tis enacted, that one half of the whole bursaries of all

^a Highlands, 22. ^b Ibid. 24. ^c Ibid. 30. ^d Supra, 9. ^e Schools, 4.
^f Ibid. 5. ^g Supra, 10. ^h Supra, 9.

the presbyteries within Scotland, be applied to the education of such youths, as have the Irish language, in philosophy and divinity, at the colleges of Edinburgh, Glasgow, St. Andrews, and Aberdeen, for the space of four years, beginning from the first of October 1710; and the manner of collecting the money to be applied to the maintenance of the said bursars, is prescribed in the act: And 'tis declared, that the respective synods, to which the said bursaries belong, shall have the choice and presentation of the Irish bursars; and that no person shall have the benefit of either Highland or Lowland bursaries, but such as bring a testimonial or recommendation from their synods respectively, bearing their having been examined by the synod, and the synod's good hopes of them as sober youths, piously inclined,—well affected to the government of church and state,—that they are good proficient in Latin, and such as they judge, may, in due time, prove able ministers of the gospel, or schoolmasters; and if they be presented to Irish bursaries, bearing that they have the Irish language, and have obliged themselves to employ their talents in these services in the Highlands, either in the bounds of the synods presenting or recommending them, or some other by their allowance; and the foresaid testimonials, are appointed to be recorded, together with the bursars names, and to be reported to each assembly; and Act 8, Ass. 1701, ^a and Act 11, Ass. 1705, ^b are renewed, and appointed to be observed until the assembly see cause to recal the same; and the commission is empowered to enquire, how former recommendations about students have been observed, and to take care that students be provided with bursaries, and have all due encouragement to prosecute their studies; the said students being always qualified in the terms of this and other acts herein narrated.—*Act 10. Ass. 1710.*

XIV. Tis recommended to synods, to admit no more bursars having the Irish language, but so many, as to each of

^a Supra, 8.

^b Supra, 10.

whom they are in a condition to pay L.10 ster. at least, and and for that end, the bursaries of more then two or three presbyteries, if they be small, are appointed to be joined together, to make up the said sum; and the several presbyteries are appointed to send in to the commission, a particular and distinct account of the *quotas* of their bursaries, subscribed by their moderator and clerk; and the commission is appointed so to proportion the said bursaries in the several districts, as to make at least L.10 ster. to each bursar, out of the half of the bursaries appropriated by the acts of assembly for that use; and the several synods are required, timeously to fill up their vacant bursaries in manner above mentioned; and they are ordained to examine bursars, at least once every year, at their meeting in harvest or winter; and presbyteries are enjoined to pay in punctually their several proportions of the said bursaries; and the names of the deficient are appointed to be given in to the meetings of the commission that immediately precede each assembly, and the commission is instructed to look out for hopeful young men, having the Irish language, in order to be put on trials.—*Act 12. Ass. 1712.*

XV. Tis recommended to synods and presbyteries to make particular and exact enquiry into the education, piety, literature, principles and conversation of those whom they recommend to bursaries; and that they recommend none, who, they have not ground to believe, will be useful, and who are firm to the interests of this church; and such presbyteries, as as shall discover any just ground of suspicion in young men, having these bursaries, with respect to these things, are appointed to acquaint the assembly or commission thereof, and also the presbyteries or synods whose bursars they are, that if they be found unworthy, the encouragement they enjoy may be taken from them, and bestowed on persons having the qualifications required by the acts of assembly.—*Act 7. Ass. 1714.*

XVI. All synods and presbyteries are enjoined, to prefer students having the Irish language to their bursaries when

they vaik, and punctually to pay them their provisions, and to take trial of their proficiency, and to mark their diligence herein in their books; and the visitors of the synod and presbytery books, are appointed to take notice how the acts of assembly concerning bursars are observed, and to report the same. And the commissions of the assemblies of this church, are required to see to the observation of the acts, and to enquire after such students, and recommend them to bursaries; and all powers given to former commissions, in this matter are renewed.—*Act 7. Ass. 1715.*

XVII. Appointed, that such as crave the benefit of bursaries, or who are to be admitted to trials for the ministry, in order to be sent to the Highlands, be first examined upon their knowledge in the Irish language, by persons having a competent measure of knowledge in that language; and be found by them to have so much knowledge of that language, as that they may be useful in a Highland congregation: And the names of the said examiners, together with their report, ordained to be recorded in the books of the judicatory that employs them in said trials.—*Act. 7. Ass. 1717.*

XVIII. Ordered, That the bursaries of the synod of Lothian and Tweeddale, one synodical and three presbyterial, employed for the maintenance of students having the Irish language, be, at the term of Martinmas 1723, applied for the maintenance of two Lithuanian students, to be educated at the university of Edinburgh, providing always that none shall be received from Lithuania, as bursars, but such as shall be attested and recommended by the protestants there.—*Act 5. Ass. 1722.*

XIX. From the number of probationers in the church the reason of maintaining bursaries now ceasing, the obligation upon synods and presbyteries to support bursars as students in divinity is superseded until the assembly see fit to revive the same, and 'tis left to synods and presbyteries, meantime, to apply these funds to other charitable and pious uses, as they shall see convenient; but 'tis appointed that such as are pre-

ferred to bursaries in synods or presbyteries shall enjoy them till their ordinary time be run out.—*Act 7. Ass. 1737.*

XX. Appointed, That the synod of Glasgow and Ayr, the synod of Dumfries, and the synod of Galloway, pay their synodical burses, and the presbytery of Ayr their presbyterial burse, towards maintaining Mr Nicodemus Bieniaszeuski, student in divinity from Lithuania.—*Act. 8. Ass. 1740.*

XXI. *Act 7. Ass. 1737.* ^a is repealed; and 'tis recommended to ministers to pay in to the clerk of presbytery yearly the sum of three shillings ster. to be applied for educating students for the ministry having the Irish language. And 'tis ordained, that every student trained for the ministry in the Highlands and Islands upon this fund, when he becomes a minister, preach every Lord's day in English, as well as in the Irish language; And 'tis recommended to ministers now settled in those parts to do the same: And they are appointed to do every thing in their power to have as many schools as they can in that part of the kingdom, so that the English tongue may spread the faster, till it be universally understood and spoken.—*Act 7. Ass 1756.*

CALLS.

I. Recommended to the several presbyteries and provincial synods, to consider the interest of particular congregations, in the calling and admission of ministers, with all these questions that usually fall out upon that occasion; and to report overtures.—*Act. Sess. ult. June 18. Ass. 1646.*

II. That, 1. When any place of the ministry in a congregation is vacant, the presbytery do, with all diligence, send one of their number to preach to that congregation, who, in his doctrine, is to represent to them the necessity of providing the place with a qualified pastor, and to exhort them to fervent prayers and supplication to the lord, that he would send them a pastor according to his own heart: As also, he is to signify, That the presbytery, out of their care of that flock, will send

^a *Supra*, 19.

unto them preachers, whom they may hear; and if they have a desire to hear any other, they will endeavour to procure them a hearing of that person or persons, upon the suit of the elders to the presbytery. 2. Within some competent time thereafter, the presbytery is again to send one or more of their number to the said vacant congregation, on a certain day appointed before for that effect, who are to convene to hear sermon the foresaid day; which being ended, and intimation being made by the minister, they are to go about the election of a pastor for that congregation, the session of that congregation shall meet and proceed to the election, the action being moderated by him that preached: And if the people shall, upon the intimation of the person agreed upon by the session, acquiesce and consent to the said person, then, the matter being reported to the presbytery by commissioners sent from the session, they are to proceed to the trial of the person thus elected, and finding him qualified, to admit him to the ministry in the said congregation. 3. But if it happen that the major part of the congregation dissent from the person agreed upon by the session, in that case, the matter shall be brought unto the presbytery, who shall judge of the same; and if they do not find their dissent to be grounded upon causeless prejudices, they are to appoint a new election, in manner above specified. 4. But if a lesser part of the session or congregation, shew their dissent from the election, without exceptions relevant and verified to the presbytery; notwithstanding thereof, the presbytery shall go on to the trials and ordination of the person elected; yet all possible diligence and tenderness must be used to bring all persons to an harmonious agreement. 5. 'Tis to be understood, that no person under the censure of the kirk, because of any scandalous offence, is to be admitted to have hand in the election of a minister. 6. Where the congregation is disaffected and malignant, in that case, the presbytery is to provide them with a minister.—*Act Sess. 4. Aug. 4. Ass. 1649.*

III. Recommended to presbyteries to think upon some me-

thod to prevent competing of calls; and, in case of such, how to prevent their coming to superior judicatories; as also, a method to prevent the giving of a second call, by a different parish, to any minister or probationer, during the dependence of a prior call from another parish or parishes, and process thereupon, and until the first call and process be discussed.—*Act 14. Ass. 1708.*

IV. 'Tis enacted and declared, That in the moderation of calls to ministers for supplying vacant parishes, no person shall be admitted to vote, who has either twice heard sermon in any meeting or congregation not allowed by law; or attended divine worship performed by any non-jurant minister or preacher of the episcopal communion, or where King George and the royal family were not prayed for in express words, within twelve kalendar months immediately preceding the vacancy of the church to be supplied; or, who during any part of that time, has received the sacrament of the Lord's Supper dispensed by such ministers, or allowed their children to be baptised by any of them.—*Act 4. Ass. 1748.*

V. Declared, That the moderation of a call, in the settlement of ministers, is agreeable to the immemorial and constitutional practice of this church, and ought to be continued.—*Act 7. Ass. 1782.*

CAMPVERE.

I. Resolved, That the Scots kirk of Campvere be joined to the kirk of Scotland, ás a member thereof; and a member of assembly is appointed to write to the minister thereof, to send a minister and elder, instructed with a commission to the next assembly.—*Act. Sess. 18. Aug. 9. Ass. 1641.*

II. Some propositions concening the kirk of Campvere, viz.

I. Their observing of that order in the outward worship of God, and exercise of discipline, as is received in Scotland by law and practise—2. Their sending commissioners to the assembly every third year—3. Their receiving council and advice, in different cases, from the presbytery of Edinburgh,

or commissions of assembly—and 4. The bearing of their moderator's expenses coming hither at the assembly's command; again enacted and authorised, and appointed to be recorded in the books of the assembly; and the commissions of that and subsequent assemblies of this church, impowered and authorised to act, cognosce; advise, and determine in all affairs belonging to the said kirk and consistory of Campvere, that shall be proposed to, or pursued before them, as their superior judicatory; but recommended to them, to pay the charges of their own commissioners out of their own stock, until the church be in a better capacity to assist them.—*Act 24. Ass. 1704.*

CATECHISING AND CATECHISMS*.

I. An uniform catechism appointed to be used throughout this whole kingdom, in the examinations before the communion.—*Act Sess. 22. Aug. 29. Ass. 1639. Art. 7.*

II. That every minister, besides his pains on the Lord's day, have weekly catechising of some part of the parish, and not altogether put off the examination of the people, till a little before the communion.—*Act Aug. 30^a. Ass. 1639.*

III. The larger catechism, agreed upon by the assembly of divines, at Westminster, with the assistance of commissioners from the kirk of Scotland, found agreeable to the word of God, and in nothing contrary to the received doctrine, worship, discipline, and government of the said kirk; and therefore approven and agreed unto by the said assembly for their part, as a common catechism for the three kingdoms.—*Act Sess. 10. July 20. Ass. 1648^b.*

* See Visitations Ministerial, § 4. 8. Visitations Presbyterial, 1. Worship Private, 2. Remedies particular Ecclesiastic of Sin, § 1, 2, 3. Remedies Ecclesiastic against Profaneness, § 6. Highlands, 22. § 3. 24. § 5. 6. Universities, 4. § 1. Profaneness, 1. § 5. Highlands, 5. § 1. 4. Doctrine, 2. Witchcraft, 2. § 7.

^a See the rest of this act in Worship Private, 1.

^b This act, with the Larger Catechism, is published separately, and bound up with the Confession of Faith.

IV. The shorter catechism, likewise agreed upon by the said assembly at Westminster, with the assistance forsaide, found also agreeable and approv'd, as said is.—*Act. Sess. 19. July 28. Ass. 1648* ^c.

V. The vending, selling, or using in schools or families, of a little catechism, entitl'd, "The A, B, C, with the Catechism, that is to say, an instruction to be taught and learned by young children," which contains very gross errors in point of universal redemption, and in the number of the sacraments, is discharged; and printers are inhibited to reprint the same; and it is recommended to presbyteries to take special care, that the said act be obeyed.—*Act Sess. eadem*.

VI. That every minister, with the assistance of the elders of their several kirk-sessions, take course, that in every house where there is any that can read, there be at least one copy of the shorter and larger catechisms, confession of faith, and directory for family worship; and the above act of Ass. Aug. 30. 1639 ^d, for a weekly catechising to be constantly observed in every kirk, is renewed: And it is appointed, that every minister so order their catechetical questions, that, thereby, the people (who do not convene all at one time, but by turns, into that exercise) may, at every diet, have the chief heads of saving knowledge, in a short view, presented to them. And every presbytery is ordained to take trial of all the ministers within their bounds, once at least in the half year, whether they be careful to keep weekly diets of catechising; and if they shall find any of their number negligent therein, that they be admonished for the first fault; and if, after such admonition, they do not amend, the presbytery, for the second fault, shall rebuke them sharply; and if, after such rebuke, they do not yet amend, they shall be suspended.—*Act July 30. Ass. 1649*.

^c This act, with the Shorter Catechism, is also published separately, and bound up with the Confession of Faith.

^d *Supra*, 2.

 CHAPELS OF EASE.

I. The petitioners for a chapel of ease at Dunfermline are authorised to employ any licentiate or minister of the church of Scotland—They shall proceed to elect on or before the 1st of May next—They are to intimate to the presbytery their resolution, and to request one of their number to preside at the election; and the presbytery is appointed to comply—If none are appointed, or if the person nominated does not attend, they are authorised to elect by themselves—If the person elected be a probationer, the presbytery is appointed to ordain him; if a minister of the church of Scotland, it shall be competent for any of the ministers of the parish, or of the presbytery, to introduce him to the chapel—None are to be elected but such as are of the principles of the church of Scotland with regard to worship, doctrine, discipline, and government, and who subscribe the *formula* ^a enjoined by this church; provided the congregation shall remain subject to her jurisdiction—That the money arising from the collections regularly made at the doors of the chapel, shall be applied to the maintenance of the poor of the parish—And that before a minister be inducted into the chapel, sufficient security shall be laid before the presbytery for a sum of money not less than £50 ster. per annum, as his stipend, so long as he continues to officiate in that congregation.—*Act 8. Ass. 1779.*

II. 'Tis ordained, That in future, when a petition shall be laid before a presbytery for the erection of a chapel of ease, it shall lie upon the table till the next ordinary meeting; and at that meeting, unless it shall appear to the presbytery from the circumstances in which the petition is offered, that the erection of the said chapel is unnecessary and inexpedient, they shall cite the minister and kirk-session, the heritors, and,

^a Probationers, 21.

if a burgh, the magistrates thereof, within which the chapel is intended, to appear for their interest in the subject of the petition, at their next meeting: That such presbytery, after having heard the parties, shall sufficiently ascertain the circumstances on which the petition is founded; the facts stated as reasons for the necessity or expediency of the measure; the general plan of the chapel; the estimate of the expense of building; the scheme for paying the debts that may be contracted; the plan proposed to dispose of the collections; the names and designations of the persons in whom the property is to be vested; the mode proposed for electing a minister; the stipend to be provided for him, and the security offered for its payment; that such presbytery shall thereafter report the whole above mentioned circumstances of the case, from their minutes, to the next meeting of the general assembly, and shall not pronounce any final judgment on the petition, till they shall have received the special directions of the assembly thereon; and that it shall be competent to the petitioners, and for all parties having interest, to be heard on the subject at the bar of the assembly.—*Act 5. Ass. 1798.*

CHARITY*.

I. Collections for the poor discharged, to be taken in time of divine service; and that the minister and kirk-session appoint some other way of receiving the same.—*Act Sess. 48. Aug. 11. Ass. 1648.*

II. That no minister, kirk-session, or elder give recommendations for charity to any, without the bounds of their own parishes; nor presbyteries, without the bounds of their presbyteries; nor provincial synods without their bounds: And that any recommendations so to be given within their respective bounds, shall be for a definite time.—*Act 19. Ass. 1696.*

III. 'Tis enacted and declared, That in all time thereafter, no petitions for charity shall be transmitted to, nor regarded

* See Schools, 5.

by the assembly, unless the petitioners produce therewith ample testimonials as to their life and conversation; and recommendations from the synod, or presbytery of the bounds where they reside, bearing such persons to be truly objects of charity.—*Act 8. Ass. 1710.*

IV. Recommended to presbyteries, to apply to the justices of the peace, and other magistrates, to put in execution the laws respecting the poor, and vagrant beggars, and to provide work and maintenance for them.—*Act 11. Ass. 1711.*

V. Recommended to ministers, kirk-sessions, presbyteries, and synods, to take effectual care, and use all due means, to get every parish to maintain its own poor; and to make application to sheriffs, justices of the peace, commissioners of supply, and heritors in their respective bounds, and to magistrates of burghs, that the laws against vagrant and sturdy beggars, be put in vigorous execution: And further enjoined on synods, presbyteries, kirk-sessions, and ministers, strictly to observe *Act 19. Ass. 1696*^a.—*Act 7. Ass. 1724.*

VI. Recommended, That a public contribution, through all the parishes of Scotland, for advancing an infirmary or hospital, in Edinburgh, for the relief of the sick and wounded poor, be made upon such Lord's days, as presbyteries and ministers shall think most proper: And all well disposed persons are exhorted to lay to heart the case of the poor and distressed, and, according to their ability, to contribute to their relief, by encouraging that necessary and charitable design; and ministers are to enforce the same with suitable exhortations; and it is appointed, that the money collected in the several parishes, be put into the hands of the moderators of the several presbyteries, and by them transmitted to Edinburgh.—*Act 6. Ass. 1728.*

VII. This recommendation is renewed in *Act 7. Ass. 1731.*

VIII. Appointed, That in all collections thereafter made by the act and recommendation of assembly 1763^b, the

^a *Supra*, 2. ^b An unprinted act.

brethren or presbytery, when they remit the money collected in obedience thereto, to the person named in the act for receiving it, shall transmit at the same time, an exact account of the several sums of money so remitted, to the clerks of assemblies, who shall keep a book for enrolling these remittances, that the church may have, thereby an opportunity of knowing the just amount of the several collections made in obedience to the acts of assemblies.—*Act 9. Ass. 1771.*

CHRISTIAN KNOWLEDGE *.

I. A committee is named to receive reports from presbyteries, of the advances made in the subscriptions for propagating Christian knowledge; and take notice how acts 5.^b § c. Ass. 1707, have been obeyed; and synods and presbyteries are enjoined to see to the punctual execution of these two acts, and to insert an account of their diligence in their books.—*Act 5, 6. Ass. 1708.*—(*Nota.* These acts are inserted after the Index of the other acts of that assembly.)

II. All the people of this church, are earnestly exhorted to contribute their best endeavours, in their stations, to promote the design of propagating the knowledge of Christ, in the Highlands and Islands of Scotland, and in foreign parts of the world, and particularly, to give part of their substance that way; and a method is laid down for collecting subscriptions for, and contributions of money towards that design; and the commission is empowered to promote the same.—*Act 6. Ass. 1709.*

III. The exact observation of the above Act 6. Ass. 1709, is enjoined, where the same is not yet done, and presbyteries are appointed to see the same done, and to return to the secretary of the Society for propagating Christian knowledge, a report of their diligence; and 'tis recommended to the several synods, concerned in the Highlands and Islands, to enquire what parishes in these bounds want schools, what parishes

* See Schools. ^bSchools, 6, ^cPapists, 14.

need more schools than one, and how many they need; what is the extent of these parishes in length and breadth. As also, what ministers have more churches or places of worship than one, and whether these churches stand in different islands, or not; and if there be a school for every kirk or island; or any persons in these places to teach children to read, or any catechists: As also, in what places Popery abounds most, and where catechists will be needful: And synods are appointed to send an impartial and true account of the above particulars to the secretary of the said society, subscribed by their moderator and clerk, that the said society may have the whole matter before them, in order to the disposing of the annual rents of their stock, where it is most needful; and all ministers, and other charitable persons, are seriously exhorted to put their contributions into the hands of the treasurer to the society. And that there may be the greater plenty of fit instruments to be employed in the design of propagating christian knowledge, the assembly did again appoint the one half of the whole bursaries of all the presbyteries in Scotland, to be bestowed on hopeful and pious students, having the Irish language, for the space of four years, according to the tenor of Act 10, Ass. 1710^e. And the several synods are enjoined to see all the foresaid appointments put in due execution, and that they report an account of their diligence herein to the assembly, from time to time, and to the commisions of this and subsequent assemblies: And likewise, the whole synods and presbyteries within this church are ordained to give all due encouragement, countenance, and assistance to the said society, and these employed by them, as they shall be orderly applied to, for that effect, from time to time.—*Act 11, Ass. 1710.*

IV. Upon a long representation from the committee of the Society for propagating Christian knowledge, giving a distinct account of the diligence of that society, in prosecution of the ends of their erection, and the progress they had made in their work, and of the things that hindered the further advancement

thereof; the assembly renews former recommendations to the several synods, presbyteries, sessions, ministers, and charitable persons, desiring, that the judicatures above mentioned would follow the method prescribed by Act 6. Ass. 1709^a, and Act 11. Ass. 1710^b, in furthering subscriptions and contributions, and report to the society; and the several presbyteries are strictly enjoined to report to their synods a distinct account of what they have done at any time before this, or what they shall hereafter do, in order to forward that pious undertaking, and that in the method prescribed by the said two acts; particularly, presbyteries are appointed again to require an account of the diligence of all the ministers within their bounds in this matter, and to record their reports in their books; and the several synods are ordained to take a particular account of the diligence of their respective presbyteries, and record it in their synod books; and the several presbyteries and synods are appointed to send a full and distinct report of their diligence in this matter, subscribed by their moderator and clerk in manner prescribed by the said two acts, to the commission: And the commission are appointed to give in a list of such presbyteries and synods as shall omit to send in their accounts, to the assembly; and persons of all ranks and degrees are earnestly exhorted, according to their abilities, to contribute to the advancement of this Christian undertaking.—Act 5. Ass. 1712.

V. The assembly commend the diligence of the society for propagating Christian knowledge and their committee. They recommend to all ministers and elders, and charitable persons, to concur in that work; and again renew the acts and recommendations of preceding assemblies to synods, presbyteries, and particular ministers, for furthering subscriptions and contributions; and appoint presbyteries to call for an account of the diligence of ministers and sessions, in this matter, at their privy censures, and parochial visitations, and record their reports in their presbytery books; and synods are or-

^a Supra, 2.

^b Supra, 3.

clained, at their privy censures, to take a particular account of the diligence of their presbyteries; and record the reports of presbyteries in their books; and synods and presbyteries to send a report of their diligence herein, subscribed by their moderator and clerk, to the commission: And the commission is instructed, to call for the foresaid accounts, and see to the observation of this and former recommendations; and lay before the assembly an account of such synods and presbyteries, as shall neglect to send in to them, reports of their diligence in this matter.—*Act 5. Ass. 1713.*

VI. Upon a representation from the committee of the Society, giving an account of their procedure, the extent of their stock, the number of schools erected by them, and the success and progress of the said schools; and representing the defects of some ministers, in their way of collecting for the society; the assembly renews former recommendations in their favours; and farther recommends to presbyteries, to look for persons qualified for serving the society, as schoolmasters; and to send an account of them, with certificates in their favours, to the society, or their committee: And a committee is appointed, to meet with the said committee of the society, and advise jointly what further may be done, for the society's benefit, and by the society, for fully satisfying all persons, of the fairness and exactness of their management; upon whose report the assembly found the said society, as well secured against the danger of future events, as any society can be; and and they impowered their commission to appoint public intimations to be made in all the churches, of an additional representation of the further progress and success of the society, which the committee of the society were preparing.—*Act. 13. Ass. 1714.*

VII. Upon the petition of the committee of the society, the assembly recommends a public collection at all the church-doors in Scotland, upon such days as the several presbyteries and magistrates of burghs shall think fit, for buying books to the society's scholars, and settling more schools; and former

recommendations in favours of the society, are renewed ; and the same are appointed to be read in these congregations, where they have not yet been done.—*Act. 12. Ass. 1715.*

VIII. Upon a supplication from the committee of the society, the assembly renewed the recommendation of the last assembly for a collection and appointed a new day for it ; and the money is ordered to be lodged in the hands of the moderators of the several presbyteries, who are to keep exact accounts thereof ; and to send the money, with the copy of the accounts, to the society's treasurer : And all ministers and others, who had not paid in the money they had subscribed for, are desired to send in the same to the treasurer, and the execution of the above recommendation is remitted to the several presbyteries, who are to report their diligence both to their synods and to the commision.—*Act 4. Ass. 1716.*

IX. Upon a representation from the committee of the society, of the success of the collections recommended by former assemblies, and of the society's schools, the assembly enjoin the visitors of synod books to take special notice what care synods have taken, in calling presbyteries to an account of their diligence, in promoting the said collections ; and to lay an account thereof before the assembly : And the assembly again recommend to deficients, yet to send in their money to the treasurer of the society ; and to ministers entered to parishes, since the date of the said recommendations, not only to contribute themselves, but to set about collecting in their parishes ; and 'tis again recommended to all ministers and members of this church, to give all manner of encouragement to that charitable undertaking.—*Act 4. Ass. 1717.*

X. Upon a recommendation from the committee of the society, giving an account of their method of management, and success of their endeavours, that their stock was now upwards of £.7000 ster. ; and that they have 42 schools in the places mentioned in the representation, but that yet more were demanded than their present stock would afford ; and therefore entreating, that former recommendations in favour of the so-

ciety, might be renewed; and offering their assistance in managing what the assembly should bestow of the church's money, upon the fund of the equivalent, for maintaining charity schools: The assembly appointed the excrescence of that money, after payment of the church's debts stated upon that fund, to be lodged with the society, for erecting schools in the Highlands and Islands; and all former recommendations in the society's favours are renewed; and the society and committee are thanked for their care and faithful management of their trust.—*Act 5. Ass. 1719.*

XI. Upon another representation from the committee of the society, setting forth their method of management, and the success of their endeavours; that they had eighty schools, but that their charges were beyond their income, and that they had been obliged to sink some of the schools in places where they were much wanted; it is seriously and earnestly recommended to all presbyteries to enquire diligently at kirk-sessions and ministers within their bounds, how the recommendations of former assemblies, with respect to donations, subscriptions, and collections for the above purpose, had been obeyed: And such ministers as have not, are ordered to collect immediately; and to endeavour to persuade the charitable to contribute: and presbyteries are appointed to enjoin kirk-sessions to give an account to them of what has been collected within their parishes for the society since the year 1709; and to keep distinct minutes of their proceedings until full reports are made to them from the parishes within their bounds; and then to transmit them, with a list of subscribers who are yet deficient, to the anniversary meeting in January next. And 'tis recommended to synods, to call presbyteries to an account of their attention in this matter, and report their own diligence to the next general assembly. And this act and recommendation is appointed to be sent to all the parishes in Scotland, to be read from the pulpits on the first Sunday of August next.—*Act 9. Ass. 1727.*

XII. Upon a memorial from the society, the recommendation of last assembly is renewed; and the commission is instructed to take care that the recommendation be executed; and synods and presbyteries are enjoined to send up to the commission, and to the assembly, an account in writing of their diligence, with a list of deficient in contributing within their several presbyteries.—*Act 5. Ass. 1728.*

XIII. Upon a petition and representation from the society, the former recommendations to deficient are renewed. And 'tis recommended to any minister of this church, whom the society shall invite, yearly to preach a sermon, at their anniversary meetings, suitable to the occasion. And 'tis recommended to presbyteries, where the society's schools are settled, to visit them frequently, and give them all encouragement, and to report to the society the state of their charity schools, according to the rules laid down by them in the printed state of the society.—*Act 4. Ass. 1729.*

XIV. Upon a petition from the society, setting forth their management and success; that they had 105 schools, and about 4146 scholars; that Dr. Daniel Williams had given them a large sum for propagating Christian knowledge in Scotland, and had also mortified land to the value of £68. sterling, per annum, to be given to them when they have three qualified missionary ministers to remain in foreign infidel countries; it is recommended to presbyteries and ministers, to deal with charitable Christians in their bounds, to contribute for promoting Christian knowledge, both at home and abroad: and ordained, That intimation of this be made from the pulpits of all the churches in Scotland, on or before the 1st Sabbath of August next, that such as have a mind to promote this design, may give in their contributions to their ministers, or transmit them to the society's treasurer, with a signification how they incline to have their donations bestowed.—*Act 4. Ass. 1732.*

 CITATION*.

Persons or parties concerned in causes, especially before presbyteries, or other superior judicatories, should be duly assisted by a legal and timeous citation in writ, upon forty-eight hours, if the defendants be residing within the parish; and that either at the instance of the complainer, or by order of the judicatory; and the execution bearing its cause, should be made before two or three witnesses inserted, and be returned by the beadle or officer in writing; and the persons cited should be called at the door.—*Form Proc. cap. 2. § 3.* If the party appear not, there ought to be a second, and then a third citation, by order of the sessions or presbyteries, either personally or at their dwelling-houses, before the judicatory declare the person contumacious; but in the case of a reference or appeal, there needs not so many citations.—*Ibid. § 4.* All citations *apud acta* are peremptory; and, if instructed, infer contumacy if not obeyed.—*Ibid. § 5.* Though a person not appearing on the third citation, or upon a citation *apud acta*, and not adducing or verifying a relevant excuse, be censurable for contumacy; yet it may be fit to take cognition of the verity of the scandal delated against him, either by examining the witnesses upon oath, or other documents, before they censure him for contumacy. § 6. If the party appear, then the moderator is to inform the person of the occasion of his being called, and to give him, if desired, a short note in writing thereof, with the names of the witnesses that are to be made use of. § 7. If persons under process for scandal abscond, they shall, after being called and not compearing, be cited, first from the pulpit of the parish where the process depends, and they reside; and if they appear not, they are, by order of the presbytery, to be cited

* See appeals, 4. Transportations, 1. § 1.—3. Competency of Ch. Judicatories, 5. *Ib.* 1.

from the pulpit of all the kirks of their bounds, to compear before the presbytery; and if they do not compear, they are to be declared fugitives from discipline, and the same to be intimated in all the kirks within the bounds of the presbytery; desiring, that if they know of the said fugitives, they may acquaint the minister or elder of the bounds thereof: And the presbytery are to sist there, until they get further notice of these persons. *Ib.* 16.—*Act* 11. *Ass.* 1707.

COMMISSIONS TO REPRESENTATIVES IN ASSEMBLIES*.

I. That commissioners from presbyteries, and others, give in their respective commissions to the clerk of the general assembly, the night at least before the first diet or meeting thereof; to the effect the rolls may be timeously made up, and that the commissions may be considered by the assembly, without any interruption through the making of the rolls; and that any such commission as may happen to be undelivered before the said first diet, shall only be delivered in the intervals betwixt the after diets, and no ways in presence of the assembly while actually sitting.—*Act* 4. *Ass.* 1694.

II. 'Tis recommended to the several presbyteries of this national church to keep a uniform method, as near as can be, in granting commissions to the members of the general assembly, and not to insert particular instructions in their commissions: And for the better attaining the end foresaid, there is a form prescribed for a directory by *Act* 8. *Ass.* 1695; which, with the several additions and alterations made there-to by subsequent assemblies, is inserted *infra*.

III. That all commisions to ministers and ruling elders from presbyteries, universities, and royal burghs, to subsequent assemblies, bear, that they have subscribed the confes-

* See Representatives in Assemblies, 4, 10, 15.

sion of faith of this church, according to Act 11. Ass. 1700^a. And sicklike, that no minister or elder be nominated or commissioned to be a member of the general assembly of this church, by any presbytery, burgh, or university but such as usually reside in, or have a relation to the presbytery, burgh, or university they are commissioned from.—*Act 6. Ass. 1704.*

IV. Ordered, That presbyteries, in giving commission to their representatives, testify that ministers have signed the *formula* prescribed by Act 10. Ass. 1711^b, and ruling elders the *formula* prescribed by Act 11. Ass. 1694^c. But if presbyteries be uncertain whether the elders have signed the said *formula* or not then the attestation shall bear, That they are either to sign it in presence of the assembly, or instruct that they have done it before.—*Act 4. Ass. 1720.*

V. 'Tis ordained, That in all time coming, the commissions given by universities to their representatives in the assemblies of this church, as well as these given by presbyteries to theirs, shall expressly bear, That the commissioners therein named have signed the confession of faith, with the *formula* according to Act 11. Ass. 1700^d, and acts therein specified, under the certification therein specified.—*Act 10. Ass. 1722.*

VI. 'Tis appointed, that the rules and forms prescribed by Act 8. Ass. 1695^e, Act 6. Ass. 1704^f, Act 9. Ass. 1718^g, and Act 4. Ass. 1720^h, in commissions from presbyteries to their representatives in the general assembly, be strictly observed in commissions to be given to representatives of universities and royal burghs; and 'tis appointed, That all commissions to the members of the general assembly, whether from universities or royal burghs, and attestations of the same, shall be conceived in the terms prescribed by the former acts above mentioned, *mutatis mutandis*.—*Act 7. Ass. 1723.*

VII. 'Tis appointed, That the presbytery's attestation and

^a The Confession of Faith, 9, the same as prescribed in 1694.
tioners, 22.

^c Formula, 1, and Instructions, 2.

^b Proba-

Faith, 9.

^e Supra, 2.

^f Supra, 3.

^d Confession of

^g Representatives in

Assemblies, 10.

^h Supra, 4.

approbation of all commissions from universities and royal burghs to their representatives in the assembly, shall have the following clause, viz. “And further, that the said commissioner is every way qualified to be a member of assembly, according to the acts of assembly.” And that all commissions given to ruling elders, shall bear this clause, viz. “And in particular, that the said elders are qualified in all respects, according to what is required by Act 9. Ass. 1722 ^a.” — *Acts 4. 9. 1724.*

VIII. It is recommended and enjoined on presbyteries in time coming to take care that all commissions be in due form, according to the acts of assembly; and in order to this, that they be at all due pains to get themselves informed, that the elders sent up by them to the assembly, or attested by them, as sent up by burghs, be qualified in these terms: And 'tis recommended to sessions, to take all proper care, to ordain only such to be elders, as they know to be thus qualified.— *Act 6. Ass. 1744.*

IX. Ordered, that the forms of commissions and attestations subjoined be observed by presbyteries, kirk-sessions, universities, and burghs; and enacted, That all such commissions and attestations as are not conceived and attested in the very words of the form now prescribed, shall be rejected: And 'tis declared, That when a kirk-session or presbytery refuse their concurrence or attestation to a commission by a burgh or university, without assigning the reasons of their refusal, that commission shall be sustained as if duly attested, in case the matter shall be brought before the assembly by protest and appeal.— *Act 4. Ass. 1768.*

X. 'Tis appointed, That in the form for those universities, to which the words of the present form do not agree, in place of these, the words shall be as contained in Act 8. Ass. 1726, viz. “A meeting of the university of — being convened betwixt the hours of,” &c. and in like manner in the form of an after election.— *Act 7. Ass. 1770,*

^a Profaneness, 9.

The form of Commissions and Attestations as appointed by Act 4. Ass. 1768, reprinted by order of Assembly 1783.

Commissions from Presbyteries.

At — the — day of — years. The which day, the presbytery of — being convened betwixt the hours of one and eight o'clock in the evening, in order to elect their representatives to the ensuing assembly, pursuant to a resolution entered into their minutes on the — day of — did, and hereby do, nominate and appoint Mr. — minister at — and M. — minister at — and — and — ruling elders, their commissioners to the next general assembly of this church, indicted to meet at — the — day of — next to come, or when or where it shall happen to sit, willing them to repair thereto; and to attend all the diets of the same; and there to consult, vote, and determine in all matters that come before them, to the glory of God and the good of his church, according to the word of God, the confession of faith, and agreeable to the constitution of this church, as they will be answerable; and that they report their diligence therein at their return therefrom. And the said presbytery does hereby testify and declare, that all the ministers above named have signed the *formula* enjoined by the 10th act of assembly 1711^a; and the ruling elders above written have signed the *formula* prescribed by the 11th act of the assembly 1694^b. And further, that the said elders are of unblemished characters, circumspect in their walk, regular in giving attendance on the ordinances of divine institution, and behave in other respects agreeable to their office: All which the presbytery have hereby attested on proper information.

Extracted by

A. B. Cls.

Commissions in the case of an after-election of a commissioner, in place of one formerly chosen.

At — the — day of — years. The which day, the

^a Probationers, 22.

^b Formula 1, & Instructions, 2.

presbytery of — being convened betwixt the hours of one and eight in the evening, and (here the occasion of the new election to be narrated) did, and hereby do, nominate and appoint in his place, Mr. — minister at — (or, if an elder, — ruling elder) their commissioner to the next general assembly; and do hereby testify and declare (if a minister) that he hath signed the *formula* enjoined by the 10th act of assembly 1711^a, or (if an elder) that he is in all respects qualified in the same manner as their commissioner in whose room he is chosen, which the presbytery hereby attests upon proper information.

Extracted by

A. B. Cls.

Commissions attestation.

At — the — day of — years. The which day, the presbytery of — having had the above extract of their commission to their representatives in the ensuing assembly laid before them, they caused it to be read, and having revised and considered the same, they did approve thereof.

Attested by

A. B. Moderator.

C. D. Cls.

Commissions from Universities.

At — the — day of — years. The which day, the principal, professors, masters, and other members of the university of — having a right to elect, being convened betwixt the hours of one and eight o'clock in the evening, in order to elect their representative to the ensuing assembly, pursuant to a resolution entered into their minutes on the — day of — did, and hereby do, nominate and appoint — their commissioner to the next general assembly of this church, indicted to meet at — the — day of — next to come, or when and where it shall happen to sit, willing him to repair thereto; and to attend all the diets of the same; and there to consult, vote, and determine in all matters that come

^a Probationers, 22.

before them, to the glory of God and the good of his church, according to the word of God, the confession of faith, and agreeable to the constitution of this church, as he will be answerable; and that he report his diligence therein at his return therefrom. And it is hereby testified and declared, that the said ——— is a minister, or (an elder) of this church, lawfully ordained, and (if a minister) hath signed the *formula* enjoined by the 10th act^a of the assembly anno 1711^a; or (if an elder) hath signed the *formula* prescribed by the 11th act of the assembly 1694^b. And further, that the said commissioner is every other way qualified to be a member of the assembly, according to the acts of the assembly; and (if an elder it must be said) in particular, he is of an unblemished character, circumspect in his walk, regular in giving attendance on the ordinances of divine institution, and behaves in other respects agreeable to his office. All which the university have hereby attested on proper information.

Extracted by

C. D. Cls.

Commissions in the case of an after-election of a commissioner, in place of one formerly chosen.

At ——— the ——— day of ——— years. The which day, the principal, professors, masters, and other members of the university of ——— being convened betwixt the hours of one and eight in the evening, and (here the occasion of the new election to be narrated) did, and hereby do, nominate and appoint in his place ——— their commissioner to the next general assembly; and it is hereby testified and declared, That he is in all respects qualified in the same manner as their former commissioner, in whose room he is chosen, which the university attests on proper information.

Extracted by

C. D. Cls.

N. B. This form for universities is prescribed, on the sup-

^a Probationers, 22.

^b Formula, 1.

position that the former commissioner, and the person chosen in his place, are either both of them ministers, or both of them elders: But if an elder is chosen in the place of a minister, or a minister in the place of an elder, then the attestation must contain the words at length of the form prescribed for the first election.

Commissions Attestation.

At ——— the — day of — years. The which day, the presbytery of ——— having had before them a commission given by the university of ——— to ——— to represent the said university in the ensuing general assembly of this national church, do, in terms of the 4th act of assembly 1720^a, the 7th act of assembly 1723^b, and 4th act of assembly 1724^c, testify and declare, that the said ——— is a minister, (or, an elder), lawfully ordained; that he has signed the *formula* enjoined by the 10th act of assembly 1711^d; (or, if an elder) hath signed the *formula* prescribed by the 11th act of assembly 1694^e; and that he is a master of the said university of ———. And, further, that the said commissioner is every other way qualified to be a member of the assembly, according to the acts of assembly.

This signed by

A. B. Moderator.

C. D. Cls.

Commissions from Burghs.

At ——— the — day of — years. The which day, the magistrates and town council of ——— being convened in council, betwixt the hours of one and eight o'clock in the evening, in order to elect their representative to the ensuing assembly, pursuant to a resolution entered into their minutes on the — day of — did, and hereby do, nominate and appoint ——— ruling elder, their commissioner to the next general assembly of this church, indicted to meet at ——— the

^a Supra, 4. ^b Supra, 6. ^c Supra, 7. ^d Probationers, 22. ^e Formula, 1.

— day of — next to come, or when and where it shall happen to sit, willing him to repair thereto, and to attend all the diets of the same; and there to consult, vote, and determine in all matters that come before them, to the glory of God, and the good of his church, according to the word of God, the confession of faith, and agreeable to the constitution of this church, as he will be answerable; and that he report his diligence therein at his return therefrom. And it is hereby testified and declared, that the said — is an elder of this church, lawfully ordained, and hath signed the *formula* enjoined by the 11th act of the assembly 1694^a, and is every other way qualified to be a member of assembly; and likewise that he is (a residenter in the said burgh) or (an heritor in the said burgh) or (an heritor in the bounds of the presbytery of — within which the said burgh lies) or (has formerly resided and officiated as an elder in the said burgh) or (presbytery of — within which the said burgh doth lie) according to the acts of assembly; and in particular, that he is of an unblemished character, circumspect in his walk, regular in giving attendance on the ordinances of divine institution, and behaves, in other respects, agreeable to his office. All which the magistrates and town-council have attested on proper information.

Extracted by

C. D. Cls.

Commissions in the case of an after-election of a commissioner, in the place of one formerly chosen.

* At — the — day of — years. The which day, the magistrates and town-council of — being convened, betwixt the hours of one and eight in the evening, (here the occasion of the new election to be narrated) did, and hereby do, nominate and appoint in his place — ruling elder, their commissioner to the next general assembly; and it is hereby testified and declared, That the said — is (a residenter in the said burgh) or (an heritor in the said burgh) or (an heritor

^a Formula, 1.

in the bounds of the presbytery of — within which the said burgh lies) or (has formerly resided and officiated as an elder in the said burgh) or (presbytery of — within which the said burgh doth lie) and that he is in all other respects qualified in the same manner as their former commissioner, in whose room he is chosen, which the magistrates and town-council do attest on proper information.

Extracted by — C. D. Cls.

Commissions Attestation by the Kirk-Session,

At — the — day of — years. The which day, the kirk-session of — having had laid before them, a commission by the magistrates and town-council of — to — ruling-elder, to represent the said burgh in the ensuing general assembly of this national church, do, in terms of the 4th act of assembly 1720^a, testify and declare, that the said — is an elder lawfully ordained, and that he has signed the *formula* prescribed by the 11th act of the general assembly 1694^b; and likewise that he is (a resider in the said burgh) or (an heritor in the said burgh) or (an heritor in the bounds of the said presbytery of — within which the said burgh lies) or (has formerly resided and officiated as an elder in the said burgh) or (presbytery of — within which the said burgh doth lie.)

Attested by

A. B. Moderator.

C. D. Cls.

Commissions Attestation by the Presbytery.

At — the — day of — years. The which day, the presbytery of — having had produced before them, a commission given by the magistrates and town-council of — to — to represent the said burgh in the ensuing general assembly of this national church, with an attestation of the kirk-session of the said burgh, conform to the direction of the act

^a Supra, 4.

^b Formula, 1.

9th of assembly 1718 ^a, act 4th of assembly 1720 ^b, and act 4th of assembly 1724 ^c, do, in terms of the foresaid acts, likewise testify and declare, that the said _____ is an elder-lawfully ordained, and that he has signed the *formula* prescribed by the 11th act of assembly 1694 ^d; and likewise, that he is (a residenter in the said burgh) or (an heritor in the said burgh) or (an heritor in the bounds of the presbytery of _____ within which the said burgh lies) or (has formerly resided and officiated as an elder in the said burgh) or (presbytery of _____ within which the said burgh doth lie;) and further, that the said commissioner is every other way qualified to be a member of the assembly, according to the acts of assembly.

This signed by

A. B. Moderator.

XI. Enacted and appointed, that in future all commissions from presbyteries and burghs; be printed by the printer to the church, and under the superintendance of the clerks of the assemblies, agreeably to the forms now authorised by the general assembly, with necessary blanks for names, designations, dates, and qualifications ^e; and the expense defrayed out of the funds of the church: That a sufficient number of these blank commissions be forwarded by the clerks of assemblies, to the clerks of presbyteries and burghs, as soon as these commissions can be printed; and that they be supplied from time to time, as occasion may require, upon making demand to that effect: That although every commission from a presbytery must contain the names of all the persons chosen to represent that presbytery, yet that it shall be competent for each of the delegates to require from the presbytery a regularly attested copy of the commission, which the presbytery must furnish upon its being demanded in due time: It being understood, that only one copy of the attested commission from each presbytery be required by the assembly in making

^a Representatives in Assemblies, 10. ^b Supra, 4. ^c Supra, 7. ^d Formula, 1.

^e Here must be narrated in a note the qualifications to Elders for Burghs.

up the roll of its members: Provided, that if a commission have been given in to the clerk for that purpose, in any respect defective or erroneous, it is competent for any other of the delegates from the presbytery to give in another commission from his presbytery, if he any has, which, if accurate, shall be sustained: And as it may happen, that the clerks of presbyteries, especially those in remote parts of the country, may not be in possession of such printed commissions as may be wanted, appointed, that in such cases, the commission be written out according to the forms and usage of the church, previous to the date of this enactment.—*Act 8. Ass. 1807.*

COMMISSIONS OF ASSEMBLIES.

I. A commission is granted to John Lord Maitland, to present the assembly's supplication ^a to his Majesty; and to deliver their directions ^b to the commissioners from Scotland at London, with their declaration ^c to the parliament of England, and their answer ^d, to the English minister's letters. And he is appointed to report an account of his proceedings to the commission of that assembly.—*Act Sess. 11. Aug. 5. Ass. 1642.*

II. A commission is granted to the ends mentioned in the act, and particularly with power to use all lawful and ecclesiastic ways to advance unity in religion, and uniformity in church government betwixt the kingdoms; and to prepare draughts of a confession, catechisms, and directory for worship; and for keeping a correspondence betwixt the kirks of this island.—*Act Sess. 12. Aug. 5. Ass. 1642.*

III. A commission is given to some ministers to go to Ireland by turns to visit, comfort, instruct the scattered flocks of Christ there, and to plant and water, according to the direction of Christ, and the doctrine and discipline of the church of Scotland in all things, till the next assembly.—*Act Sess. 13. Aug. 6. Ass. 1642.*

^a Supplications, 4. ^b Letters, III. 1. ^c Declaration, 2. ^d Letters, III. 2.

IV. A commission is given to some ministers and elders, appointing them to repair to England, and to deliver the papers therein mentioned; and empowering them to propone, consult, treat, and conclude with the parliament and assembly of divines in England, to the effects mentioned in act 4.—*Sess. ult. Aug. 19. Ass. 1643.*

V. A commission is granted for furthering the work of reformation, to enjoin the subscribing of the solemn league, in case England agree thereto; to call an assembly *pro re nata*, if need require; and to correspond in the assembly's name with foreign reformed kirks; and for the other ends mentioned above, and in this *Act Sess. eadem.*

VI. 'Tis referred to the last mentioned commission, to order what number of the former commissioners should go together, to design the persons, determine the time, and give them instructions. *Sess. eadem.*

VII. The two above mentioned commissions Aug. 19. Ass. 1643, for public affairs, are renewed; and some more ministers and elders added to the last.—*Act Sess. 6. June 3. Ass. 1644.*

VIII. The above commissions 1642, 1643, and 1644, are again renewed.—*Act Sess. ult. Feb. 13. Ass. 1645.*

IX. The whole former commissions are again renewed.—*Act Sess. ult. June 17. Ass. 1646.*

X. They are again renewed, by *Act Sess. 28. Aug. ult. Ass. 1647.*

XI. A new commission is granted for the ends mentioned in this act; and in general, the commissioners are empowered, to do every thing for preservation of the established doctrine, discipline, worship, and government of this kirk; and for prosecuting the work of uniformity in religion, in all his Majesty's dominions.—*Act Sess. 39. Aug. 11. Ass. 1648.*

XII. The commissions granted by preceding assemblies, for prosecuting the treaty of uniformity in religion, with the parliament and assembly of divines in England, are again renewed. *Sess. eadem.*

XIII. Another commission is granted to some ministers and elders for the same ends, with that granted by Ass. 1648; and further empowering them to send commissioners to England, for prosecuting the treaty of uniformity.—*Act Sess. 40. Aug. 4. Ass. 1649.*

XIV. Some ministers and elders are appointed for visiting the whole presbyteries on the south side of Tay, and for other ends mentioned in Act 16. Ass. 1690.

XV. Another commission is granted for visiting the whole presbyteries on the north side of the Tay, and to plant, try, and purge in manner mentioned in Act 17. *Sess. eadem.*

XVI. Messrs Gilbert Rule and David Blair, are appointed to attend the King's Majesty, about the affairs of this church; and their instructions, and what other things concern their journey, are referred to the foresaid commission, for visiting the south side of the Tay.—*Act 18. Sess. eadem.*

XVII. Some ministers and elders are appointed to discuss all references and appeals, and other matters referred to them, conform to the instructions given to them.—*Act 18. Ass. 1694.*

XVIII. Another commission is granted to the same effect to proceed conform to the instructions given to them ^a.—*Act 20. Ass. 1696.*

XIX. XX. XXI. Other commissions are given by Acts 12. Ass. 1697, 1698, and Act. 14. Ass. 1699.

XXII. A commission is granted for visiting the bounds of the provinces of Angus and Mearns, Aberdeen, Murray, and Ross; and for purging and planting churches, redressing grievances, and trying persons disseminating erroneous principles, and heretical doctrines.—*Act 12. Ass. 1700.*

XXIII. Another commission is granted to four ministers and an elder to visit Zetland, Orkney, and Caithness.—*Act Sess. eadem.*

XXIV. Another is granted for planting vacant churches in the north; and other affairs referred to them, and contained in their instructions ^b.—*Act 19. Ass. 1700.*

^a Instructions, 1. ^b *Ibid.* 5.

XXV. A commission is granted for visiting the presbytery of Middlebee; and to endeavour to remove the grievances there.—*Act 23. Ass. 1700.*

XXVI. Another for planting vacant kirks, is granted by *Act 15. Ass. 1701.*

XXVII. Upon the news of King William's sickness, a committee is appointed to name members of a commission, and to draw instructions to them.—*Act 4. Ass. 1702.*

XXVIII. Another for planting vacant kirks, is granted by *Act 7. Ass. 1702.*

XXIX. Another, wherein the quorum is augmented, to twenty-one, fifteen whereof to be ministers, is given by *Act 3. Ass. 1703.*

XXX. Another by *Act 19. Ass. 1704.*

XXXI. Another by *Act 13. Ass. 1705.*

XXXII. Another of the same tenor, by *Act 17. Ass. 1706.* The fixed meetings of this commission are only to be twice in the year, viz. the first Wednesday of August, and the penult Wednesday of March; and in this commission the instructions given by the preceding assembly, are held as repeated; the attendance of members strictly enjoined; lists of absents ordered to be sent to the synods, in order to censure; and also to be laid before the next assembly.

XXXIII. A commission is granted of the same tenor with former ones, by *Act 12. Ass. 1707.*

XXXIV. Another is granted by assembly 1708, wherein the general clause in former commissions, empowering them to advert to the interests of the church on all occasions, is cautioned with a provision, that the said power shall not be extended to particular affairs, or processes before presbyteries or synods, that are of universal concern to, or influence upon the whole church; and the presbytery of Edinburgh, and other presbyteries within twelve miles of Edinburgh, are discharged to meet on any of the diets appointed for the meetings of the commission.—*Act 8. Ass. 1708.*

XXXV. XXXVI. Commissions of the same tenor with

the former, are granted by Act 9. Ass. 1709, and Act 14. Ass. 1710.

XXXVII. A commission of the like tenor with the former, is granted by assembly 1711; only their quórum is augmented from twenty-one to thirty-one, whereof twenty-one are always to be ministers: And 'tis declared, that what shall be determined at one diet, shall be unalterable by any other diet of the commission, and shall stand and continue in force, until disapproved of by the assembly; and presbyteries at the distance of more than twelve miles from Edinburgh, who have four or more members on the commission, are to take care that at least two of them attend each diet.—*Act 8. Ass. 1711.*

XXXVIII. Another commission of the tenor with the former, is given by assembly 1712, only this commission is made to endure, not to the next assembly only, as is ordered in all the preceding commissions, but until another commission be appointed.—*Act 8. Ass. 1712.*

XXXIX. XL. XLI. XLII. Other commissions of the same tenor, with that immediately preceding, are granted by Act 8. Ass. 1713, Act 10. Ass. 1714, Act 11. Ass. 1715, and Act 5. Ass. 1716.

XLIII. XLIV. XLV. Other commissions are given by Act 5. Ass. 1717, Act 5. Ass. 1718, and 1719; but here, the instructions given by former assemblies are renewed, as instructions to these commissions: This last commission is further appointed to enquire into the publishing and spreading of books and pamphlets tending to diffuse the condemned Auchterarder proposition ^a, and promote a scheme of opinions relative thereto; and to call the recommenders of them before them; and they are impowered to judge in cases of doctrine, and appointed to take care, that the impressions of the holy scriptures, confession of faith, and catechisms, and other books relating to the doctrine, worship, discipline, and government of this church, be correct.—*Act 11. Ass. 1719.*

^a Formula, 2.

XLVI. Another commission, with instructions renewed, is given by *Act. 6. Ass. 1720.*

XLVII. Another commission is granted with powers and instructions as the above; with this addition, that they consider the representation respecting the book entitled, the Marrow of Modern Divinity, and all the representations concerning the growth of Popery and Jacobite meetings within the bounds of the church.—*Act 4. Ass. 1721.*

XLVIII. Another commission is given with the powers and instructions of 1720; with the addition of appointments to consider all representations concerning the growth of Popery, and of meeting-houses not authorised by law; and to apply to government for redress.—*Act 8. Ass. 1722.*

XLIX.—LIX. Other commissions with the powers and instructions of 1722 are given from that year till 1733 inclusive.

LX. Another is granted with the former powers and instructions; and with the recommendation, that they shall at their first meeting discuss as many causes, relative to the settlement of vacant churches, as they can overtake; and with the provision, that when any presbytery or synod shall decline to comply with the sentences of the commission, or to give them a full execution, in that case, the commission is prohibited, to execute the same, by appointing any correspondent meetings, but they are to allow the matter to lie over to the ensuing assembly; to which such presbyteries and synods shall be answerable for their conduct; who are appointed to send up, with their commissioners, their reasons for the same.—*Act 7. Ass. 1734.*

LXI. LXII. LXIII. LXIV. Other commissions are given all the above powers and instructions in act 5. Ass. 1735; and the addition, that if a favourable opportunity occur, they are to make a due application to the King and Parliament for redress of the grievance of patronage.—*Act 11. Ass. 1736:* And also with the appointment of their keeping a correspondence with the committee for reformation in the Highlands and Islands; and to give them assistance and concur-

rence in their work.—*Act 4. Ass. 1737*: And likewise with the appointment, that in passing sentences, and ordering the execution of them, they strictly observe *Act 12. Ass. 1736*^a. —*Act 8. Ass. 1739*.

Nota. Commissions are annually given with all the powers and instructions contained in the above acts till the year 1761, when there is an appointment to observe particularly *Act 7. Ass. 1712*^b, and *Act 8. Ass. 1719*^c, and 1784 a discontinuation of the instruction recorded in act 11. 1736^d. From that time there seems to be no alteration; but the same powers and instructions are renewed from year to year.

COMMISSION MEMBERS.

I. Members of the commission are required and ordained to give all the due attendance thereon, as they shall be answerable; and the several presbyteries are enjoined to send up such of their number as are members thereof, to each quarterly meeting of the same; and the clerks of the commission are ordained to record lists of the absents from each quarterly meeting, and from the meetings in time of parliament, (without a reasonable excuse) or who shall go away therefrom without leave first obtained, and send an extract of their names to their respective synods, who are impartially to enquire into the reasons of their absence, and to censure them as they shall see cause, and make report thereof to the general assembly; and to this effect, the clerk of the commission is ordered to lay before the assembly the lists of these absents: And it is recommended to presbyteries, to supply the charges of the ministers who are members of the commission during their attendance thereon.—*Act 6. Ass. 1703*.

II. 'Tis recommended to the several presbyteries, to send in their advice anent regulating the commissions of the general assemblies; and especially in the particulars mentioned in the act; and to choose the wisest, gravest, and most ex-

^a Commission Members, 6. ^b Public Money, 2. ^c Ibid. 3. ^d Supra, 62.

perienced of their number, to represent them in the next assembly.—*Act 16. Ass. 1704.*

III. 'Tis appointed and ordained, That in time coming, the whole presbyteries of this national church be equally represented in commissions of the general assembly; and that their representation be proportional to the number of ministers that are in each presbytery, the old ministers who were ordained before the year 1662, being always supernumerary: And sicklike, that two or three of the members of the general assembly in each synod, be appointed as a committee, to name the members of the commission; and that the whole representatives of presbyteries, in the several synods, at the assembly, do meet by themselves, and name their respective members of the said committee. And it is declared, That it shall be free to any member of the assembly to attend the said committee, if they think fit: And it is appointed, That the expence of the said commissioners be borne and defrayed by the several presbyteries which they represent, according to the number of the days of their attendance; and that their presbyteries take care to supply their charges with preaching, during their absence on the said account; and that such as shall be absent from the said commissions, or diets of the same, without a reasonable excuse represented to, and admitted by the commission, be censured by their respective synods; and that the clerk of the commission send lists of these absents to the several synods for that end according to the above mentioned act 6. *Ass. 1703*^a.—*Act 6. Ass. 1705.*

IV. The several presbyteries are appointed to be careful to send one at least of their number, who are members of the commission, to attend the meetings thereof by turns, and to send in to the commission the names of such as they have appointed to attend the several diets thereof; that those who are negligent in this matter may be censured, according to former acts of assembly thereanent.—*Act 15. Ass. 1705.*

V. It is resolved and appointed, That all members of the

^a *Supra*, i.

commission of this and subsequent assemblies, be qualified according to the acts of assembly, particularly, Act 9. Ass. 1718^a, before they vote or act as such.—Act 6. Ass. 1719.

VI. 'Tis enacted, that thereafter the committee for naming the members of the commission, be appointed to observe that due proportion betwixt ministers and elders, which obtains in the assembly; and that care be taken by them, that such as are to be superadded to the nomination, be in time coming named from the several presbyteries or burghs, which they are to represent in assemblies; and that such others of them alienarily be superadded, who cannot be named as above; and that this may be evident to the members of the assembly, the clerks be appointed to extend the rolls in the same order as the rolls of the assembly;—That when any presbytery does not comply with the sentences of commissions, relating to the settlement of ministers, or shall not give the same a full execution, in that case the commission be discharged to execute the same, by appointing any correspondent meetings, but shall allow the matter to lie over till the ensuing assembly;—And if any presbytery refuse to obey the sentences of the commission, they are required to give their reasons to the next general assembly, to which they are to be accountable for their conduct therein; and they are declared to be *ipso facto* sisted before the then next general assembly.—Act 12. Ass. 1736.—This last clause, by Act 6. Ass. 1754, is extended to sentences passed by the general assembly, and not obeyed by presbyteries.

VII. 'Tis enjoined on presbyteries to observe Act 6. Ass. 1703^b, and Acts 6^c. and 15^d. Ass. 1705, for the better attendance of members on the meetings of the commission, and that presbyteries read over these acts at their first meetings after the assembly, and enjoin the observation of them on their members; and that presbyteries after every quarterly meeting of the commission, take account of the attendance of their members; and enquire into the reasons or excuses of

^a Representatives in Assemblies, 10. ^b Supra, 1. ^c Supra, 3. ^d Supra, 4.

such as have not attended; and censure such as have been absent without sufficient cause.—*Act 5. Ass. 1742.*

COMMISSION BOOK.

I. The books and registers of the actings and proceedings of the above mentioned commissions of assembly, are ratified and approved by the assemblies succeeding to each commission, as follows, viz. The proceedings of the commission of assembly 1642, are approved by *Act Sess. 7. Aug. 9. Ass. 1643.*

II. The proceedings of the commissions of the general assemblies 1643, and 1644, approved by *Act Sess. 5. Jan. 28. Ass. 1645.*

III. The proceedings of the commissioners of assembly 1645, approved by *Act Sess. 10. June 13. Ass. 1646.*

IV. The proceedings of the commission of assembly 1646, approved by *Act Sess. 22. Aug. 26. Ass. 1647.*

V. The proceedings of the commissioners of general assemblies 1647. especially their declarations, remonstrances, representations, petitions, vindications, and other papers, relating to the engagement in war against England, and their judgment of the unlawfulness thereof, approved by *Act Sess. 7. July. 18. Ass. 1648.*

VI. Commission book 1648, by *Act Sess. 4. July 7. Ass. 1649.*

VII. The proceedings of the commissioners sent to England, and to his Majesty, are approved by *Act Sess. 6. July 10. Ass. 1649.*

VIII. The proceedings of the commissioners of assemblies 1690, and 1694, are approved by *Act 16. Ass. 1696.*

IX. X. XI. XII. XIII. The commission book of 1696, approved by *Act 15. Ass. 1697*; that of 1697, by *Act 10. Ass. 1698*; that of 1698. by *Act 12. Ass. 1699*; that of 1699, by *Act 8. Ass. 1700*; and that of 1700. by *Act 5. Ass. 1701.*

XIV. The proceedings of the commissioners sent to Zetland, Orkney, and Caithness by the said Ass. 1700, are approved by *Act 12. Ass. 1701,*

XV. And the proceedings of the commissioners sent by this same assembly 1700, to Angus, Mearns, Aberdeen, Murray and Ross, are likewise approved by *Act 13. eadem Sess.*

XVI. XVII. XVIII. XIX. XX. The proceedings of the commission of assembly 1701, are approved by *Act 7. Ass. 1703*; those of 1703, by *Act 15. Ass. 1704*; those of 1704, by *Act 8. Ass. 1705*; those of 1705, by *Act 7. Ass. 1706*; and those of 1706, by *Act 9. Ass. 1707.*

Nota. After this no approbatory acts of the above nature are printed, because of the following act, appointing, That in all time thereafter the same *formula* be observed, in the approbation of the actings and proceedings of the commissions of assemblies, that is prescribed by the acts of assembly, to be observed in the attestation of the synod books.—*Act 8. Ass. 1706.*

COMMISSIONS ROYAL.

The several commissions granted by our sovereigns to the Noblemen after-mentioned, who represented their royal persons in the assemblies of this church, are recorded always the first *sederunt* of each respective assembly.

I. II. Commissions are given by King William and Queen Mary to John Lord Carmichael, to represent them in Assemblies 1690 and 1694.

III.—X. Commissions are granted by King William to the said John Lord Carmichael in the years 1695, 1696, 1697, 1698, and 1699; to James Viscount Seafield in 1700; William Earl of Annandale in 1701; and to Patrick Earl of Marchmont in 1702.

XI.—XXII. Commissions are given by Queen Anne to James Earl of Seafield to represent her in 1703; to William Lord Ross in 1704; to William Marquis of Annandale in 1705; to David Earl of Glasgow in 1706, 1707, 1708, 1709, and 1710; to William Marquis of Annandale in 1711; and to John Duke of Athole in 1712, 1713, and 1714.

XXIII.—XXXV. Commissions are granted by King Geo. I. to John Earl of Rothes to represent his royal person in As-

semblies 1715, 1716, 1717, 1718, 1719, 1720, and 1721; to Hugh Earl of Loudoun in 1722; to Charles Earl of Hopetoun in 1723; to James Earl of Finlater in 1704: to Charles Earl of Hopetoun in 1725, and 1726; and to James Earl of Finlater in 1727.

XXXVI.—LXVIII. George II. grants commissions to Hugh Earl of Loudoun to represent him in 1728; to David Earl of Buchan in 1729; to Hugh Earl of Loudoun in 1730, and 1731; to William Marquis of Lothian in 1732, 1733, 1734, 1735, 1736, 1737, and 1738; to John Earl of Hyndford in 1739, and 1740, to Alexander Earl of Leven in 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753; to John Earl of Hopetoun in 1754; and to Charles Lord Cathcart in 1755, 1756, 1757, 1758, 1759, and 1760.

LXIX.—CIX. Commissions are given by King Geo. III. to Charles Lord Cathcart to represent his person in Assemblies 1761, 1762, and 1763; to John Earl of Glasgow in 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, and 1772; to Charles Lord Cathcart in 1773, 1774, 1775, and 1776; to George Earl of Dalhousie in 1777, 1778, 1779, 1780, 1781, and 1782; to David Earl of Leven in 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801; to Francis Lord Napier in 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816; to William Earl of Errol in 1817, 1818; and to George Earl of Morton in 1819, 1820.

COMMISSIONS FOR REFORMATION IN THE HIGHLANDS AND ISLANDS.

I. 'Tis appointed and ordained, 1. That the procurator for the church receive the sum of L. 1000 ster. issued by his Majesty's warrant to encourage itinerant preachers and catechists to go to the Highlands and Islands of Scotland. 2. That the ministers and elders named in the act, be a committee, to endure till another be nominated in their room, empowered

to employ the above sum for the ends mentioned in the royal warrant; to choose their own moderator and clerk; to meet at Edinburgh upon the Fridays next after the meetings of the commissions of the general assembly, in May, August, November, and March; with power to adjourn, and to name sub-committees; nine to be a quorum, whereof six to be ministers; and to keep a record of their proceedings. 3. That they appoint itinerant preachers and catechists duly qualified, to go to the places designed in the royal warrant, to correspond with the presbyteries where these are employed, and with the society for propagating Christian knowledge, and to advise with the commission of the assembly as there may be occasion. That these preachers and catechists be subject to, and under the inspection of the presbytery of the bounds where they are employed, who are to take care that the orders of the committee be duly observed;—preachers also to catechise; and both they and the catechists to instruct the people from house to house, to visit the sick, and carefully to teach the people the principles and duties of true Christian Protestant religion, and of loyalty to the King, and obedience to the laws; and the committee are empowered to give them such instructions respecting their work and behaviour as they shall judge meet; and they are appointed to obey the same. 4. That the allowance of L. 45 per an. be given to a preacher, and L. 25 to a catechist, except in the case of sickness, losses, or other accidents. 5. The committee is empowered to appoint settled ministers within the synods of Argyle, Ross, Murray, Aberdeen, and Perth and Stirling, and the presbytery of Dumbarton, with the allowance of L. 4 per month, to dispense the ordinances of which preachers are incapable. Lastly, The committee are strickly to conform themselves to the terms and articles of his Majesty's warrant, in the discharge of the trust committed to them. And 'tis ordained, That the presbyteries pointed at in the royal warrant meet as as soon as possible, and draw up a state of their bounds, and send in the same to the agent for the church to be laid before the committee.—*Act 6. Ass. 1725.*

II. A commission is granted to some ministers and elders for reformation in the Highlands and Islands, and to manage the royal bounty for that end, with the powers and instructions given to the commission appointed by the above act: And further, they are to inquire how the ministers, preachers, and catechists, named by them, obeyed their appointments; to elect a cashier for receiving and giving out the King's bounty; to call for and state his accounts, and lay them before the commissioners of treasury, or barons of exchequer; and likewise the committee is empowered to nominate ministers and elders, though not of their number, to meet with the Protestant heritors to concert measures for advancing the interest of true religion in these countries: And which ministers and elders are ordained to join with the synods of Glenelg, and the presbyteries in that synod, in their meetings, and be assisting to them as members; and that the foresaid synod and presbyteries and others concerned, draw up and send to the committee from time to time, informations of the state of their bounds, particularly with respect to Popery, and the success of their missionaries, and what discouragements they meet with.—*Act 6. Ass. 1726.*

III Another commission with former powers and instructions; but with the addition, that they apply to the magistrates for assistance in carrying on a reformation in the Highlands and Islands; and to correspond with presbyteries, Protestant heritors, ministers, preachers, and catechists; and as much as they can to encourage ministers and Protestants in these parts.—*Act 5. Ass. 1727.*

IV. Another commission is given with former powers and instructions renewed; and with an appointment for corresponding with the commission of the general assembly, the society for propagating Christian knowledge, and presbyteries and synods in the Highlands and Islands.—*Act 8. Ass. 1728.*

V. Another with powers and instructions as formerly; only with the alteration that seven is declared to be a *quorum*, four whereof to be ministers.—*Act 7. Ass. 1729.*

VI. Another with former powers and instructions; and containing the following regulations, viz. That presbyteries insert in their registers the committee's appointments of the designations, salaries, and stations of the respective missionaries and have a regard thereto in all their letters respecting them, and in giving certificates to them; that they direct their letters only to the moderator of the committee, and that these letters be signed at the appointment of the presbytery by the moderator or clerk; that no payments be made of the missionaries' salaries, except upon receipts from themselves, and upon certificates from presbyteries, bearing the time they have served, yet reserving liberty to the committee to allow a quarter's salary per advance, if found necessary; that all the committee's accounts with their cashier be duly signed and attested, and recorded in the book prepared for that effect; and that all the money disbursed in managing the royal bounty, be annually stated by the committee, and laid, with their report, before the assembly for their approbation.—*Acts 4. 6. Ass. 1730.*

VII.—XIV. Other commissions, with former powers and instructions renewed, are given in 1731, 1732, 1733, 1734, 1735, 1736, 1737, and 1738.

XV. A commission is granted with former powers and instructions; and to which is added the following appointment, That at the quarterly meeting in August, when the scheme or establishment of missionaries for the ensuing year shall be determined, fourteen shall be a *quorum*, nine whereof to be ministers; and that none once employed and inserted in the scheme shall be struck off for that year, but by the *quorum* of fourteen; And no complaint against a missionary to be determined at the first ordinary meeting, but to lie on the table till the next; And, in the meantime, the person complained of, and the presbytery wherein he officiates, are to be acquainted with the complaint.—*Act 6. Ass. 1739.*

Nota. Commissions with the whole powers and instructions in the above acts are given annually, with little alteration from 1739 forwards.

COMPETENCY OF JUDICATURES AND PROCESSES*.

I. Church judicatures have power to convene and call before them any persons within their bounds, when the ecclesiastic business which is before them, doth concern them either as party, witness, or otherwise; and to examine them according to the nature of the affair; and to hear and determine in such cases as shall orderly come before them, and accordingly dispense church censures; And the kirk-session of the parish in which a scandalous person resides, should be desired to cause cite that person, to answer before the kirk-session in whose bounds the scandal happened; and the same course is to be followed in such cases by other church judicatures: for they should not presume to exercise that authority without their own bounds.—*Form Proc. Cap. 1. § 5. 6.—Act 11. Ass. 1707.*

II. When a business is moved, the judicature should first consider if it be proper for them to enter upon it, and if it be orderly brought in, and whether it be proper for them to discuss it themselves, or only to prepare it for superior judicatures, whose work they should endeavour to shorten as much as, with the edification of the church, they can, and as will consist with all prudent zeal against sin.—*Form Proc. cap. 2. § 2. Act 11. Ass. 1707.*

III. After depositions are ended, and parties removed, the judicatory at the same time, or some after-diet thereto appointed, are to advise the cause; and in doing thereof to reason calmly, speaking always to the moderator one after another, without interrupting one another, nor using too long harangues or digressions. *Ib. § 15.*

IV. When persons guilty of uncleanness live, one in one parish, and another in another parish, the process and cen-

* See Appeals, 6. Scandals, 12.

tures are to be before the session of the parish where the woman liveth, or where the scandal is most netour. *Form Proc. cap. 4. § 15.* If a scandal of uncleanness be committed where neither party resides, the persons guilty are to be processed and censured where their ordinary abode is, except the place of their abode be at a considerable distance from the place where the sin was committed, and the scandal be most flagrant where it was committed.—*Ibid. 16. Act 11. Ass. 1707.*

V. Where there is a scandal of uncleanness, whereof persons are guilty living in different parishes, the session where the sin is committed, is to acquaint the other sessions where any of the persons reside, who are, *ex debito*, to cause summon these persons to appear before that session where the scandal is to be tried. When a person is convicted of scandal by a session of another congregation than his own, and the less excommunication is inflicted, the session is to send an account thereof to that session to which he belongs; but there is no need of any other sentence of his own session, to fix the censure on him, but only a public intimation thereof to be made in his own parish.—*Ib. 17. 18. Act 11. Ass. 1707.*

VI. It is found; that persons guilty of uncleanness should satisfy in that parish whereof the woman was a parishioner at the time the guilt was committed; and that by a parishioner is understood a person who has his or her fixed residence, or place of abode, within a certain parish, for the time, whether such residence be of long or short duration.—*Act ult. Ass. 1771.*

CONFESSION OF FAITH *.

I An overture, That all persons, of whatsoever state or condition, be obliged to swear and subscribe the Confession of Faith, as then condescended on by the general assembly,

* See Covenant. Papists, 1. 10. Atheism. Schoolmasters, 2. 3. 6. Commissions to Members of Assemblies, 3. Instructions, 1. § 6. 2. § 6. Probationers, 19. Bourignonism, 4. Doctrine, 2. 5. Universities, 7.

under pain of censure; referred to the several presbyteries, by *Sess. 23, 24. Dec. 17, 18. Ass. 1638. Art. 11.*

II. 'Tis ordained, That no sort of persons, of whatever quality or degree, be permitted to speak or write against the Confession of Faith, concluded on by this kirk, both concerning doctrine and discipline; or against that assembly or any act thereof, upon the pain of censure.—*Ibid. Art 17.*

III. The confession of faith, and national covenant, and oath of this kirk, as renewed in February 1638, is allowed and approven in the hail heads and articles thereof; and all masters of universities, colleges, and schools, and all others who have not already subscribed the said confession and covenant, are ordained to subscribe the same, with these words prefixed to the subscription, viz. “ The article of this covenant, which was at the first subscription referred to the determination of the assembly, being now determined at Glasgow, in December 1638, and whereby the five articles of Perth, and the government of the kirk by bishops being declared to be abjured and removed, the civil places and power of kirkmen declared to be unlawful; we subscribe, according to the determination of the said free and lawful general assembly.” And the said covenant, with that declaration, is ordained to be inserted in the registers of the assemblies of this kirk, general, provincial, and presbyterial, *ad perpetuam rei memoriam*, Act *Sess. 26. Dec. 20. Ass. 1638.*—And, by a subsequent act of the same date, his Majesty is addressed, That he would acknowledge and approve the foresaid true interpretation, by his royal warrant, to be put in record for that effect; and in the meantime the swearing or subscribing of the said confession, as wrested to a contrary meaning, by an application thereof made by the privy council is prohibited and discharged, under the pain of ecclesiastic censure, but that they subscribe the same as in the former act.—*Ibid.*

IV. The general assembly, by their supplication to his Majesty's Commissioner, and Lords of Secret Council, vindicate

themselves from all disloyal designs, and solemnly swear their mutual concurrence and assistance for the cause of religion, and defence of his Majesty's person and government, in the preservation and defence of the true religion, liberties, and laws, of this kirk and kingdom, in quiet manner, or in arms, as they should be required by his Majesty, his council, or any having their authority; and do humbly supplicate them to enjoin, by an act of council, the subscription of the confession and covenant. In answer to which supplication, the Lords of Privy Council, by their act Aug. 3, 1639, subjoined to this act, ordain accordingly.—*Act Sess. 23. Aug. 30. Ass. 1639.*—And his Majesty's commissioner declares his Majesty's allowance and consent, that the covenant, with the assembly's fore-said explanation, be subscribed throughout all the kingdom; and he, in his Majesty's name, subscribes the same, with a declaration prefixed, that the said confession is one in substance with that which was subscribed by his Majesty's father in 1580, 1581, and 1590, and oftner since renewed; and declares his Majesty's consent that an act of assembly be past enjoining the subscription of the same; but subjoins a declaration that the practice of the things prohibited by the covenant, within this kirk and kingdom, out with the kingdom of Scotland, should never bind nor infer censure against the practices out with the kingdom, and desires that the same might be inserted in the register of the kirk. The assembly refuses to give warrant for such practice, as not agreeable with a good conscience, but the same is inserted only *vocitativè*.—*Ibid.*

V. The confession of faith and covenant is again approven, and ordained to be subscribed, as aforesaid; as also by all scholars at passing their degrees; by persons suspected of papistry; and finally, by all ministers of this kirk and kingdom; and the parliament is supplicated by their authority to ratify and enjoin the same, under all civil pains.—*Ibid.*

VI. The confession of faith for the kirks of God in the three kingdoms, agreed upon by the assembly of divines sit-

ting at Westminster, with assistance of commissioners from the kirk of Scotland, found to be most agreeable to the word of God, and in nothing contrary to the received doctrine, worship, discipline, and government of this kirk; and is therefore approven and agreed unto by the assembly for their part, as a common confession of faith for the three kingdoms. And 'tis declared, that the not mentioning therein, the several sorts of ecclesiastical officers and assemblies, shall be no prejudice to the truths of Christ in these particulars, to be expressed fully in the directory for government, and that the assembly understands some parts of Art. 2. cap. 31. only of kirks not settled or constituted in point of government, and that although in such kirks a synod of ministers and other fit persons may be called by the magistrates' authority and nomination, without any other call, to consult and advise with, about matters of religion; and although likewise the ministers of Christ, without delegation from their churches, may of themselves, by virtue of their offices, meet together synodically in such kirks not yet constituted; yet neither of these ought to be done in kirks constituted and settled; it being always free to the magistrate, to advise with synods of ministers and ruling elders, meeting upon delegation from their churches, either ordinarily, or being indicted by his authority occasionally and *pro re nata*: It being also free to assemble together synodically, as well *pro re nata*, as at ordinary times, upon delegation from the churches, by the intrinsical power received from Christ, as often as it is necessary for the good of the church so to assemble, in case the magistrate, to the detriment of the church, withhold or deny his consent; the necessity of occasional assemblies being first remonstrated to him by humble supplication.— *Act Sess. 23. Aug. 27^a. Ass. 1647.*

VII. That all probationers licensed to preach, all intrants to the ministry, and all other ministers and elders, received

^a This act, with the confession of faith, is published separately, and in the possession of every minister of the church of Scotland.

into communion with the church in its government, be obliged to subscribe their approbation of the confession of faith, approved by the former general assemblies of this church, and ratified in the second session of the then current parliament. Act 5. June 7. 1690. And this is recommended to the diligence of the several presbyteries, and they are appointed to record their diligence thereanent in their respective registers.—*Act 7. Ass. 1690. Art. 1.*

VIII. 'Tis recommended to all synods and presbyteries, to enquire what ministers, probationers, or schoolmasters within their bounds, have not subscribed the confession of faith, conform to former acts of the general assembly, as the confession of their faith; that these who have not done it, may be put thereto, and that there be a new impression of the confession of faith in *folio*, for that end.—*Act 13. Ass. 1699.*

IX. That all ministers and ruling elders, belonging to this national church, subscribe the confession of faith, as the confession of their faith, according to the act of assembly 1690, and the *formula* agreed upon in Act 11^a. Ass. 1694. § 6; and that this be done betwixt and next assembly.—*Act 11. Ass. 1700.*

COVENANT *.

I. The covenant, and confession of faith, are approved, and ordained to be subscribed by all masters of universities, colleges and schools; as also by all scholars at passing their degrees; by persons suspected of papistry; and finally, by all ministers of this kirk and kingdom; and the parliament is supplicated, by their authority, to ratify and enjoin the same, under all civil pains.—*Act Sess. 23. Aug. 30. Ass. 1639^b.*

II. That such as have subscribed the covenant, and speak against the same, if he be a minister, shall be deprived; and if he continue so, being deprived, shall be excommunicated;

^a Formula, 1. * See Confession of Faith, 3, 4, 5. Declaration, 5, 7, 8, 9.

^b This act, with the Confession of the National Covenant, is published at large, and bound up with the Confession of Faith and Catechisms of the Church.

and if he be a layman, shall be dealt with as perjured, and shall satisfy publicly for his perjury.—*Act Sess. 5. Aug. 1. Ass. 1640.*

III. The advice of the commissioners of the general assembly 1642, recommending to presbyteries to have copies of the covenant to be subscribed by every minister at his admission, is approven, and the covenant appointed to be printed, with the said ordinance prefixed thereto; and that every synod, presbytery, and parish, have one of them bound in *quarto*, with some blank paper, whereupon every person may be obliged to subscribe; and that the covenants of the synods and presbyteries be kept by their moderators *respectivè*; of universities, by their principals; and of parishes, by their ministers, with all carefulness; and that a particular account of obedience to this act, be required thereafter in all visitations of parishes, universities, and presbyteries, and in all trials of presbyteries and synods: And all ministers are ordained to make intimation of the act of assembly at Edinburgh, Aug. 30. 1639^a, enjoining all persons to subscribe the covenant, under all ecclesiastical censure, in their kirks, and thereafter to proceed with the censures of the kirk, against such as shall refuse to subscribe the covenant; and that exact account be taken of every minister's diligence therein by their presbyteries and synods, as they would answer to the general assembly.—*Act. Sess. 6. Aug. 8. Ass. 1643.*

IV. The resolutions of the committees of the convention of estates of Scotland, of the general assembly, and of the commissioners of the two houses of the parliament of England, that the form of the covenant to be entered into by both nations, then condescended on, and agreed amongst them, should be presented to the general assembly, to the convention of estates of Scotland, and to the two houses of the parliament of England, by their respective committees and commissioners,

^a Confession of Faith, 4.

that it might, with all speed, receive their respective resolutions, is narrated in *Act Sess. 17. Aug. 17. Ass. 1643.*

V. The covenant is unanimously approved and embraced by the assembly, as the most powerful mean, by the blessing of God, for settling and preserving the true Protestant religion, and the peace of his Majesty's dominions, and propagating the same to other nations, and for establishing his Majesty's throne to all ages and generations; And 'tis recommended to the convention of estates, that being examined and approved by them, the covenant may be sent with all speed to the kingdom of England, that being received and approved there, it may be, with public humiliation, and all religious and answerable solemnity, sworn and subscribed by all true professors of the reformed religion, and all his Majesty's good subjects in both kingdoms. *Ibid*^a.

VI. That all ministers take notice when any person dissaffected to the national covenant of this kirk, and to the solemn league and covenant of the three kingdoms, shall come within their parishes, and so soon as they shall happen to know the same, that without delay they cause warn them to appear before the presbyteries within which their parishes lie, or before the commissioners of the general assembly, as they shall find most convenient; and which warning is declared a sufficient citation; and that ministers and elders relate to the said judicatories *respectivè* every such disaffected person, although without their own parish, so soon as they shall hear and be informed of them; and the commission is ordained, not only to proceed to the trial and censure of such disaffected persons, but to take a special account of the diligence of ministers, elders, and presbyteries therein *respectivè*.—*Act Sess. 6. June 3. Ass. 1644.*

VII. That all students of philosophy, at their entry, and at their laureation, be held to subscribe the league and covenant, and be urged thereto, and all other persons as they come to

^a This act, with the solemn league and covenant, is published at large, and bound up with the confession of faith and catechisms.

age and discretion, before their first receiving the sacrament of the Lord's Supper.—*Act Sess. ult. Sept. 1. Ass. 1647.*

VIII That all young students take the covenant at their first entry to colleges, and that all persons whatsoever take the covenant at their first receiving the sacrament of the Lord's supper; and that all provincial assemblies, presbyteries, and universities, be careful that this act be observed, and that account thereof be taken in the visitation of universities, and particular kirks, and in the trial of presbyteries.—*Act Sess. 31. Aug. 7. Ass. 1648.*

DECLARATION*.

I. A supplication is presented to his Majesty's commissioner, against the book called, the Large Declaration; which falsely asperseth the church with disloyal designs; entreating his Majesty might be pleased to call in that book; and punish the authors thereof.—*Sess. 23. Aug. 30. Ass. 1639.*

Nota. The commissioner in council, having received the above supplication promised to impart the same to his Majesty, and report his diligence therein.

II. The declaration of the parliament of England, shewing their desire to have an uniformity in church government betwixt the kingdoms, and the assembly's answer thereto, pressing the same from several arguments, motives, and encouragements, are recorded in *Sess. 8. Aug. 3. Ass. 1642.*

III. The declaration subscribed by the Scotch Lords at Oxford, is condemned as a perfidious bond and an unnatural confederacy; and the subscribers thereof, or of the like declaration or bond, or any that were accessory to the framing or execution thereof, are declared to deserve the highest censure of the kirk; the commission is empowered to execute this act by themselves, or to refer the same to presbyteries or synods, as they should think convenient; and they are discharged to relax the delinquents from the sentences that

* See Parliament, 2, 3. Supplication, 6.

should be pronounced against them, without the advice of the assembly, or commissioners thereof, *nisi in extremis*; and 'tis also recommended to the parliament exemplarily to punish the guilty, and to put some public note of infamy upon the declaration or bond itself.—*Act Sess. 6. June 3. Ass. 1644.*

IV. The declaration and remonstrance of the general assembly to King Charles I. publicly professing their loyalty and faithful subjection; and, in testimony of the tenderness and uprightness of their affection to his Majesty's true happiness, humbly and faithfully representing to him his great and growing dangers from the displeasure of his provoked people, and most of all, from the guilt which cleaveth fast to his throne; particularly, the several sins mentioned in the remonstrance, and which would involve him under the wrath of the everlasting God, if not timely repented of; and therefore exhorting him to serious repentance; shewing him, that what they had concluded concerning uniformity in religion between both kingdoms, was to be humbly offered to him from the commissioners of this kingdom, for his royal assent and ratification; declaring their dutiful procedure in that assembly, as if his Majesty had vouchsafed them his own, or the presence of his commissioner; and praying, that God would graciously incline his heart to counsels of peace and truth, and grant him a long and happy reign.—*Sess. ult. Feb. 13. 1645.*

V. A declaration and brotherly exhortation of the assembly to their brethren in England, rehearsing the several advances made in the work of reformation in both kingdoms, lamenting the stop then made thereto in England, and the imminent dangers of the common cause of religion, by the spreading of dangerous errors, and sects, aggravated by the breach of covenant, in many particulars mentioned in the declaration; and especially, in offering violence to the rights, privileges, and authority of the magistracy; complaining of several of the proceedings of the army in summer 1647, in so far as religion is concerned; especially, that their proposals for

the settling of peace, are, in point of religion, inconsistent with the solemn league and covenant, and propositions of peace formerly agreed on by both kingdoms, in the particulars mentioned in that declaration; beseeching the people of England, of all ranks, who have entered into the league and covenant with Scotland, and particularly, the houses of parliament, city of London, and assembly of divines, to be humbled for the sins of the land, especially breach of covenant, to hold fast the profession of their faith, to continue constant and zealous in advancing reformation, in suppressing heresy and error, according to the covenant; and promising the same on their part, by the grace of Christ; particularly desiring, that presbyterial government may be settled, and put in practice throughout that kingdom.—Lastly, Declaring, that their zeal for the covenant and presbyterial government doth not abate or diminish in any thing their loyalty and duty to the King's Majesty, wherewith their enemies falsely reproach them, but doth much strengthen and support the same; and concluding with a prayer for a safe and well-grounded peace to God's people, is recorded in *Sess. 15. Aug. 20. Ass. 1647.*

VI. In answer to a paper of the 24 July, delivered to the general assembly from the conference (compared with another paper of the 17th of July, presented to them from the committee of estates, whereunto it relates, and with the declaration emitted by that committee to the parliament and kingdom of England) supposing that the assembly might be satisfied in point of the security of religion, notwithstanding of the engagement in war against England; 'tis declared, that the assembly sees no possibility of securing religion, as long as that unlawful engagement is carried on, religion being thereby greatly endangered. The ways mentioned in the answer, see more fully in *Sess. 14. July 25. Ass. 1648.*

VII. The declaration and act of parliament of the date, June 10, 1648, and an act of the committee of estates of the date July 12, said year, ordaining all the subjects by subscrip-

tion, to acknowledge as just, and oblige themselves to adhere unto the said declaration, and to join and concur with their persons and estates, in the assistance of the execution and observation of the acts and constitutions of that parliament, under the certification mentioned in the said act of the committee, is declared unlawful and sinful, for the reasons mentioned in this act of assembly; and the members of this kirk, are warned and charged to forbear the subscribing the said act and declaration, or urging thereof, as they would not incur the wrath of God, and censure of the kirk: And are likewise enjoined to forbear the swearing, subscribing, or pressing of any new oaths or bonds in that cause, without advice and concurrence of the kirk, especially any negative oaths or bonds, which may any way limit or restrain them in the duties whereunto they are obliged by the national, or solemn league and covenant, with certification as aforesaid; and such as have already been guilty in this matter, are exhorted to repent; and the execution of this act is remitted to presbyteries, or in case of their negligence, or being overawed, to provincial synods, or commissioners of assembly; and for that end, 'tis appointed to be sent to the presbyteries to be published in the several kirks of their bounds — *Act Sess. 18. July 28. Ass. 1648.*

VIII. A declaration by the general assembly 1648, concerning the dangers of religion, especially, the engagement in war against England, which is declared sinful and unlawful, for the many reasons mentioned in the said declaration, containing many exhortations and directions to all the members of the kirk, shewing the assembly's sense of the duties of the present time, and of the said dangers; particularly, from the sins of the land, the insolence of the army, and encroachments made upon the liberties of the kirk, in the many instances mentioned in that declaration; and earnestly exhorting, charging, and requiring ministers, 1. To search into, and mourn for the sins of the land, especially breach of the solemn league; 2. To honour and respect authority with a due subordination to the will of God; 3. To avoid malig-

nancy on the one hand, and sectarianism on the other, both which are characterised by several marks in this declaration; 4. Not to concur or assist in the engagement; 5. Nor suffer themselves to be abused with the fair pretences of those that carry it on; 6. That they mistake not the nature of the reformed religion or government of the church, as if it were inconsistent with the king's prerogative, privileges of parliament, and liberties of the nation; 7. That they beware of the taking of oaths, or subscribing of bonds relating to the covenant, unless approven by the assembly, or commission; 8. That they live by faith, and continue stedfast; and 9. That they remember, that no law or authority can absolve them from the obligations of the solemn league and covenant; that ministers be free and faithful in their preaching, as they would escape the censures of the kirk, which presbyteries are appointed to inflict; and all civil judicatures and persons in power are exhorted to remember they are to give an account to God, and that they ensnare not the consciences of their brethren with new oaths and bonds.—*Sess. 21. July, ult. Ass. 1648.*

IX. Another declaration of that assembly to their brethren of England, blessing God for the uniformity in religion, and lamenting breach of covenant, shewing that the generality of the church judicatories, and many others of the nation, had dissented from, openly declared, supplicated, and protested against the engagement, shewing that they still continued stedfast in the covenant, and expect the same from England; they exhort them to repent of their sins, particularly breach of covenant, in complying with sectaries, and their slow progress in reformation; they dehort the parliament of England, from complying either with sectaries or malignants; they shew their abhorrence, at the purposes of these who mind the subversion of monarchical government, which they wish may be continued in his Majesty's person and posterity; they manifest their dislike of those who deal so hardly with his Majesty's person, and shew their desire of having the King re-

stored to the exercise of his power, upon his giving security for religion, and for establishing and enjoining the covenant in all the three kingdoms, is recorded in *Sess. 22. Aug. 1. Ass. 1648.*

X. In answer to a paper, sent from the committee of estates, dated July 28 ^a. 1648, the assembly refers to their answer of the 25 July 1648 ^b: And further add, that they think it strange, that the state had engaged in war with England, before the necessity and lawfulness thereof was cleared, and before the church's desires for the security of religion were granted, according to the assurances given by public declarations, and after public resolutions and declarations to the contrary. And they further refer to their declaration July, *ult.* Sess. 21. 1648 ^c, shewing the unlawfulness of that engagement itself; which declaration they vindicate, and demonstrate the church's interest in undertakings and engagements in war, as to the lawfulness or unlawfulness thereof, to satisfy the committee of estates their desire in that point.—*Sess. 22. Aug. 1. Ass. 1648.*

XI. A pamphlet falsely entitled, “The Declaration of Mr Alexander Henderson, principal minister of the word of God, at Edinburgh, and chief commissioner from the kirk of Scotland, to the parliament and synod of England, made upon his death-bed,” is found to be false, and condemned as forged and scandalous; and the author and contriver of the same is declared void of charity and a good conscience, and a gross liar and calumniator, led by the spirit of the accuser of the brethren.—*Act Sess. 31. Aug. 7. Ass. 1648.*

XII. Declaration and brotherly exhortation from the general assembly to their brethren in England; wherein they acknowledge God's mercies to both kingdoms, and their own sins; they regret the interruptions put to the work of reformation, especially by those in power and place in England; they declare their sympathy with, and commend the single-

^a Supra, 7. ^b Supra, 6. ^c Supra, 8.

ness and boldness of those in England who suffer for the truth; they warn all such as have forgotten the covenant, and despised the oath of God, and wholly overturned the fundamental government by King and parliament, to repent, and not to judge their cause right because of their success; they threaten them, that God will bring down their pride and power; they declare, that the duties contained in the covenant are moral and lawful, and the engagements therein, not only moral, but personal, and which cannot be dispensed with; they bear testimony against the toleration in England, and comfort God's people with this confidence, that God would yet revive his work.—*Sess. ult. Aug. 6. 1649.*

XIII. The declarations and representations made by the commission of assembly 1711, to Queen Anne, against the acts of toleration and patronage, are approved as most faithful and seasonable; and the representations are, by order of the assembly, *verbatim* inserted; and the commission is empowered to advert carefully to the concerns of the church in the above particulars, and are ordained to use all dutiful and proper means for obtaining redress of what is, or may be found therein grievous, and to lay hold on every fit occasion for that effect.—*Act 18. Ass. 1712.*

XIV. A declaration of the assembly, shewing that parochial schoolmasters, by their instilling into youth the principles of religion and morality, solid and practical instruction, contribute to the improvement, order, and success of people of all ranks; and are therefore well entitled to public encouragement; that from the decrease in the value of money, their emoluments have descended below the gains of a day-labourer; that it has been found impossible to procure persons properly qualified to fill parochial schools; that the whole order is sinking to a state of depression hurtful to their usefulness; that it is desirable, that some means be devised to hold forth inducements to men of good principles and talents, to undertake the office of parochial schoolmasters; and that these men would prove instrumental in counteracting the

operations of those who may now and afterwards attempt to poison the minds of the rising generation with principles inimical to religion, order, and the constitution in church and state. The moderator and procurator for the church are instructed to embrace every favourable opportunity of expressing the above sentiments, to correspond with the officers of state for Scotland upon the subject, and to co-operate in the most prudent and effectual way to forward any plan for the relief of parochial schoolmasters, and give it all the weight it can derive from the countenance of the general assembly.—*Act 7. Ass. 1802.*

DEPOSING AND REPOSING OF MINISTERS*.

I. Presbyteries are ordained to proceed with the censures of the kirk to excommunication, against those ministers, who being deposed by the assembly, acquiesce not in their sentences, but exercise some part of their ministerial function, refuse themselves, and withdraw others from the obedience of the acts of assembly.—*Act Sess. 24. Dec. 18. Ass. 1638.*

II. Mr George Graham, late pretended bishop of Orkney's renunciation of Episcopacy, is recorded in Act Sess. 8. Aug. 17. Ass. 1639.

III. The sentences pronounced against the ministers deposed, by the several commissions granted by the assembly at Glasgow, are approven as just and lawful decrees.—*Act Sess. 19. Aug. 27. Ass. 1639.*

IV. All these ministers, who were deposed before synods, for subscribing the Declinator and reading the service-book, being guilty of no other gross fault, are recommended to the said synods, to be by them, upon their true repentance and submission to the constitutions of this kirk, found capable of the ministry, when God should grant them an ordinary and lawful calling, by admission from the presbytery, either in the

* See Excommunication, 1. Ministers, 1. 10. 11. Schismatics, 12. 13.

church they served in before, or in any other.—*Act Sess. 20. Aug. 28. Ass. 1639.*

V. The Act 38. Sess. 8. at Edinburgh, October 24. Ass. 1578, ordaining ministers, who are deposed, to be charged under the pain of excommunication to demit their places, that they may be unquestionably vacant, is renewed and remitted to parliament.—*Act Sess. 22. Aug. 29. Ass. 1639. Art. 5.*

VI. That ministers, who are deposed, either by presbyteries, synods, or general assemblies, or committees from assemblies, for the public cause of reformation and order of this kirk, shall not be suddenly received again to the ministry, till they first evidence their repentance, both before the presbytery and synod, within the bounds where they were deposed; and thereafter, the same reported to the next ensuing general assembly.—*Act Sess. 8. Aug. 2. Ass. 1641.*

VII. All provincial assemblies are discharged to repon any minister deposed by the general assembly; and all presbyteries to repon ministers deposed either by provincial or general assemblies; and all such sentences of reposition by the inferior judicatories *respectivè*, are declared null in themselves, and that the sentences of deposition by the superior judicatories *respectivè*, shall stand valid and effectual, notwithstanding thereof.—*Act Sess. 10. Aug. 12. Ass. 1643.*

VIII. That no minister deposed, be restored again to the same place where he formerly served.—*Act. Sess. ult. Feb. 13. Ass. 1645.*

IX. That notwithstanding of any license to be granted for opening the mouths of deposed ministers, yet they shall not be actually admitted to any particular congregation: But it is declared, for such as had already their mouths opened before that time, That if any calling to a particular charge be offered unto them before the next assembly, it should be sufficient for them to have the consent of the commissioners of that assembly.—*Act Sess. 11. July 21. Ass. 1648.*

X. That whosoever, after the sentence of deposition pronounced against them, do either exercise any part of the mini-

sterial calling in the places where they formerly served or elsewhere, or do possess, meddle or intromit with the stipend, or other benefits whatsoever, belonging to these kirks they served at, shall be proceeded against with excommunication; and if any suspended minister, during his suspension, either exercise any part of the ministerial calling, or intromit with the stipend, that he be deposed, and, after deposition, continuing in either of these faults, that he be processed with excommunication; but prejudice always to them of their stipend resting for bygone service, and of any recompence due for building or repairing of the manse, according to the ordinary practice: And 'tis seriously recommended to presbyteries, to be careful in putting that act in execution.—*Act Sess.* 30. *Aug.* 5. *Ass.* 1648.

Nota. This act bears a narrative, That the censure of suspension and deposition of ministers is, by the ancient practice and order of this kirk, both *ab officio et beneficio*, as is acknowledged by Act 20. Parl. 1644.

XI. That no minister deposed for malignancy and compliance with the enemies of the kirk and cause of God (when it shall fall out that he be put in a capacity of admission to the ministry) shall enter into the congregation of any other minister, who also hath been deposed for malignancy and compliance, as said is.—*Act Sess. ult.* *Aug.* 12. *Ass.* 1648.

XII. Mr Thomas Linning, Mr Alexander Sheilds, Mr William Boyd, who have followed some courses contrary to the order of this church, having given in two papers, the one containing expressions of their purpose and promise of being subject to the authority of this church, and the other for exoneration of their consciences; after a grave admonition by the moderator to walk orderly in time coming, in opposition to all schism and division, were unanimously received into the fellowship of the church to enjoy the privileges, and to perform the duties whereof they are, or shall be found capable.—*Act* 5. *Ass.* 1690.

XIII. Mr John Hepburn is deposed from the exercise of the holy ministry by *Act 7. Ass. 1705*^a.

XIV. Messrs Ralph and Ebenezer Erskines, Wilson, Moncrief, Fisher, Mair, Nairn, and Thomson are deposed from the office of the holy ministry by *Act 4. Ass. 1740*^b.

XV. Mr Thomas Gillespie is deposed by *Act 4. Ass. 1752*^c.

XVI. Mr. Thomas Boston having demitted his charge of the parish of Oxnam, 'tis declared, That he is no minister of this church, and that he is incapable of receiving or accepting of a presentation or call to any parish in this church without the special allowence of some future assembly: And all the ministers of this church are prohibited from employing him to preach or perform any ministerial offices for them, or from being employed by him, unless some future assembly shall see cause to take off this prohibition.—*Act 4. Ass. 1758.*

XVII. Mr. James Bain having given up the charge of the kirk of Paisley, 'tis declared, That he is no minister of this church, and that he is incapable of receiving or accepting of a call or presentation to any parish in this church without the special licence of some future assembly: And all the ministers of this church are prohibited from employing him to preach or perform any ministerial offices for them, or from being employed by him unless some future assembly shall see cause to take off this prohibition.—*Act 6. Ass. 1766.*

XVIII. The sentence of deposition passed upon Mr Robert Dalrymple is taken off, and he is reponed to the office of minister of the gospel.—*Act 9. Ass. 1776.*

DISSENTING VOICES.

If any member of presbyteries or synods shall find, in matters depending before them, that the moderator shall refuse to put any thing of importance to voices; or, if they find any thing carried by plurality of voices, to any determination

^a Schism, 1, 2.

^b *Ib.* 12.

^c *Ib.* 15.

which they conceive to be contrary to the word of God, the acts of assembly, or the received order of this kirk; in any of these cases, the assembly thinks it necessary, that they urge their dissent to be marked in the register; and if it be refused, that they protest, as they would desire to be free of common censure with the rest: And the dissenters are declared censurable, if their dissent shall be found otherwise than they conceived.—*Act Sess. 7. June 4. Ass. 1644.*

DOCTRINE*.

I. All persons are discharged to preach or disseminate any erroneous doctrine, opposite to any head or article of the confession of faith of this church; and particularly, the venting of any Arminian or Socinian error is discharged; and the respective judicatures of the church are ordained, to advert to any who shall teach or vent such errors, and to proceed to censure them therefore, as shall be found just and requisite for suppressing the same; and more especially, that the synod of Fife take heed to Mr Graham at Dunfermline, that he contravene not this *Act 12. Ass. 1704.*

II. All persons are discharged to vent any opinion contrary to any head or article of our confession of faith and catechisms; or to use any expression, in relation to the articles of faith, not agreeable to the form of sound words expressed in the word of God, and the confession of faith and catechisms of this church, which are most valuable pieces of our reformation. And 'tis enacted, That no minister or member of this church, presume to print or disperse in writ, any catechism, without the allowance of the presbytery of the bounds, and of the commission: And the presbytery is appointed to lay any such catechism before the commission; and synods and presbyteries are enjoined, carefully to advert to the observation of this act, and to notice the transgressors thereof.—*Act 12. Ass. 1710.*

* See Ministers, Corruptions in Office, § 4. 5. Corruptions in their Callings, § 9. Bourignonism. Formula. Preaching, 2. 3.

III. A committee is appointed, and impowered to enquire into whatever should be found necessary for preserving and maintaining the purity of the doctrine of this church; and particularly, to take into consideration the process, Mr. James Webster against Mr. John Simson, and prepare a full and distinct state thereof, and report an overture thereupon to the next assembly, in order to their final decision thereof; and particular instructions, for that end, are given to the said committee, by *Act 8. Ass. 1715.*

IV. Mr. John Simson, and all others, are enjoined to forbear teaching, or any way venting the proposition charged by Mr. James Webster, against him as error, until they be determined by the judicatures of the church; and the commission and instructions given by the committee, named by the former assembly, for preserving the purity of doctrine, are renewed, and 'tis referred to them also, to consider some propositions laid before the assembly by Mr. Webster, and Mr. Simon's answers thereto, and all other things relating to that affair; particularly, some points mentioned in the act, that were reserved by the said committee, to be considered after finishing the principal cause: And the committee is impowered to give such directions to Mr. Simson as they shall find necessary. And all ministers are discharged, by preaching or printing, to charge Mr. Simson with error, until the matter be fully tried, and he be convicted by the church: But prejudice always to them, to state the same propositions that are charged against him, and refute the same by as strong arguments as they think fit: And upon a protestation entered by Mr. Simson against the above mentioned injunction laid upon him by the assembly, as insinuating, that he had taught the errors charged against him in Mr. Webster's libel, as his opinion, or as truth, which he disowned: The committee is impowered to suspend him for such time as they shall think fit, in case it was found that he contravened the same.—*Act 7. Ass. 1716.*

V. Mr. John Simson is prohibited and discharged to use

expressions that bear, and are often used in, a bad and unsound sense, or to teach, preach, or otherwise vent opinions, propositions, and hypotheses which unduly advance natural reason, and are not evidently founded on scripture: And they extend the foresaid prohibition to all professors of divinity, ministers, preachers, and others in this church; and particularly, discharge them to vent any doctrines, not agreeable to our confession of faith and catechisms: And they recommend to all faculties in universities, and to all presbyteries within this church, to see this act observed by all the persons aforesaid within their several jurisdictions, and to censure the contraveners, as they see cause.—*Act 9. Ass. 1717.*

VI. Mr Gabriel Wilson minister of Maxtoun found to have not been entirely orthodox in a sermon preached before the synod of Merse and Tiviotdale in these three points of doctrine, viz. 1. That the moral law to believers is divested of the curse or threatening of eternal damnation, and hath no other sanction but fatherly chastisement; 2. That gospel or saving repentance is not necessary in a sinner, in order to the pardon of his sins in justification; 3. That assurance, or a man's persuasion that he shall be saved by Christ, is of the essence of justifying faith: And he is admonished, prohibited, and discharged to use by writing, preaching, catechising, or otherwise teaching, either publicly or privately, any expression upon these three points of doctrine, that are inconsistent with, or contrary to those maintained in this church, agreeable to the word of God, and the confession of faith and catechisms thereof: And he is admonished to keep the form of sound words, and to beware of expressing himself upon any occasion in such terms as may have a bad influence on Christian practice, or any ways tend to weaken the life and power of godliness, and be of dangerous consequence to the great interest of precious souls.—*Act 11. Ass. 1723.*

VII. A committee is appointed with full powers to proceed upon the articles of the process against Mr. Simpson, both as to the libel and queries, not however, to pass a sentence

either absolving or condemning him, but to report their diligence to next assembly; all being reserved for their judgment. It is recommended to the presbytery of Glasgow to assist the committee; and Mr. Simpson is appointed to attend it and the next general assembly; and in the meantime, on account of the articles of the libel found relevant and proven, he is suspended from preaching and teaching till the meeting of next general assembly.—*Act 10. Ass. 1727.*

VIII. Mr. John Simson found to have taught such things, and expressed himself in such terms as are subversive of the doctrine of the Trinity as contained in the holy scriptures, and laid down in our confession of faith and catechisms, he is, therefore suspended from preaching and teaching, and all exercise of ministerial power or function, until another general assembly shall think fit to take off the sentence.—*Act 9. Ass. 1728.*

IX. The sentence of last general assembly is ratified and confirmed suspending Mr. Simson from preaching and teaching, and all exercise of any ecclesiastical power or function, until another general assembly shall think fit to take off this sentence: And the assembly also give it as their judgment, that it is not fit or safe that he be further employed in teaching divinity and instructing youth designed for the holy ministry in this church: And that the judicatories may have no more trouble about this process, 'tis thought fit that, for peace's sake, this whole affair concerning Mr. John Simson shall rest here.—*Act 6. Ass. 1729.*

X. Recommended to all ministers of this church to be careful in their several charges; to guard against the spreading of any error, contrary to the standards of doctrine, and condemned by acts of assemblies, particularly such as strike against the fundamentals of our holy religion.—*Act 8. Ass. 1730.*

XI. Found, That what Mr Archibald Campbell, professor of divinity and ecclesiastical history in the university of St. Andrews had taught with respect, 1. To the inability of

man by his natural power to find out the being of a God, he had by this no intension to enervate natural religion, or give any handle or countenance to its enemies, but rather to shew the necessity of supernatural revelation; 2. To the law of nature's being sufficient to guide rational minds to happiness; that it was not his meaning that a supernatural revelation of a Saviour and faith in him were superfluous, and not necessary to the happiness of fallen man; 3. To self-love's being the sole principle and motive of all religious and virtuous actions; that he meant no more, than that our delight in the honour and glory of God was the *chief* motive of all virtuous and religious actions; and 4. That the disciples during our Saviour's lifetime, only expected and hoped for a temporal deliverance and worldly kingdom—That between his death and resurrection, they concluded him to be a cheat and impostor—and that before his resurrection, they had no notion of his divinity: That these were only Mr Campbell's conjectural opinions with regard to the inward sentiments of other men; that our confession and catechisms teach nothing concerning these matters; and that his design was to give greater strength to his argument for vindicating the apostles from enthusiasm; and it is thought, that the examining and stating the matter as has been done, is sufficient for cautioning against the errors of which Mr Campbell had at first been supposed guilty, without a formal sentence; and, therefore, 'tis resolved and appointed, That the matter rest here. And 'tis recommended to Professor Campbell, and to all ministers and teachers of divinity within this church, to be cautious in their preaching, teaching, and writing, not to use doubtful expressions or propositions, which may be constructed in an erroneous sense, or lead the hearers or readers into error, however sound such words or propositions may be in themselves, or however well intended, but to hold fast the form of sound words.—*Act 10. Ass. 1736.*

XII. 'Tis declared, That as the assembly in the foregoing act say, that they gave no judgment or formal sentence on

Professor Campbell, and therefore could not be understood to adopt any of his expressions on the head of self-love; so this assembly do stedfastly adhere to the doctrine of our church on that head, expressed in our standards, particularly in the answers to that question in our Shorter and Larger Catechisms, "What is the chief end of man?"—*Act 5. Ass. 1737.*

XIII. Exceptions having been taken at a sermon published by Mr William Leechman, professor of divinity in the college of Glasgow, on the nature, reasonableness, and advantage of prayer, 'tis found, that he has given abundant satisfaction concerning the orthodoxy of his sentiments; and that there is no ground or occasion remaining for any further trial of the professor in respect of that sermon: And the presbytery of Glasgow is prohibited to commence or carry on any further or other proceedings against him on account of that sermon.—*Act 9. Ass. 1744.*

DUELS.

That all persons, of whatsoever quality, who shall either fight duels, or make, or write, or receive, or, with their knowledge, carry any challenge, or go to the field, either as principals or seconds, to fight duels or combats, be, without respect of persons, processed with the censures of the kirk, and and brought before the congregation two several Lord's days; in the first whereof they are sharply to be rebuked, and convinced of the heinousness of their sin and offence; and on the next to make a solemn public confession thereof, and profession of their unfeigned humiliation and repentence for the same: And if the persons guilty of any of the former offences be an elder or deacon, he is to be removed from his office: And whatsoever person guilty of any of these offences shall refuse to give obedience according to the tenor of this act that he be processed to excommunication. And if any be killed at such duels, that the killer be proceeded against by the kirk as other murderers.—*Act Sess. ult. Aug. 12. Ass. 1648.*

EVILS OF THE KIRK.

I. The high commission court is disallowed, and condemned as unlawful in itself, and prejudicial to the liberties of Christ's kirk and kingdom, the king's honour in maintaining the established laws and judicatures of the kirk, the use and practice of the same is prohibited; and presbyteries are ordained to proceed with the censures of the kirk against all such as transgress.—*Act Sess. 14 Dec. Ass. 1638. Art. 4.*

II. The articles concluded at Perth assembly; 1. That the sacrament of the Lord's supper be celebrated by the people on their knees; 2. That it be privately administered to persons on death-bed, three or four being present to communicate with them, and a place convenient, and all things necessary decently provided; 3. That baptism, when great need shall compel, be administered in private houses, and declaration made thereof next Lord's day in the congregation; 4. That ministers catechise all young children of eight years of age, and that the bishops, in their visitations, cause present them to them, and bless them, with prayers and imposition of hands; and, 5. That the days of our Lord's birth, passion, resurrection, and ascension, and sending down of the Holy Ghost, be observed by ministers, in commemoration of these inestimable benefits; are declared to have been abjured by the kirk, in their confession of faith, as it was meant and professed in the years 1580, 1581, 1590, 1591, and so ought to be removed out of it; and all disputing for, or observing of, any of them, in all time coming, is prohibited and discharged; and presbyteries ordained to proceed with the censures of the kirk against all transgressors: And the several acts of parliament and general assemblies, and heads of our confession of faith, and books of discipline, disapproving and condemning the substance of these articles, are resumed in *Act Sess. 17. Dec. 10. Ass. 1638.*

III. The confession of faith, and several acts of the gene-

ral assemblies of this church, declaring against abolishing and condemning all errors and corruptions in doctrine, discipline, and government, and particularly, the Roman hierarchy, and establishing and ratifying the liberty, discipline, and jurisdiction of the true kirk, in her sessions, presbyteries, synods, and general assemblies, and gradually advancing and carrying on the work of reformation from the year 1595, are recapitulated: And declared, that according to the confession of faith, as it was professed in the years 1580, 1581, and 1590, all episcopacy, different from that of a pastor of a particular flock, was abjured in this kirk, and to be removed out of it: And therefore, all persons are prohibited, under ecclesiastical censures, to usurp, accept, defend, or obey, the pretended authority thereof, in time coming.—*Act Sess. 16. Dec. 8. Ass. 1638.*

IV. That the service, or common prayer book ^a, book of canons ^b, and consecration or ordination ^c, and the high commission court ^d, be rejected; the articles of Perth ^e, be no more practised; that episcopal government ^f, and the civil places and power of kirkmen ^g, be held still as unlawful in this kirk; that the pretended assemblies at Linlithgow 1606 and 1608, at Glasgow 1610, at Aberdeen 1616, at St Andrews 1617, and at Perth 1618 ^h, be thereafter accounted as null and of no effect, as the main and most material causes, of the many and great evils that in time past had so sore troubled the peace of this kirk and kingdom; and that, for the preserving of religion, and preventing all such evils in time coming, general assemblies rightly constituted, as the proper and competent judge of all matters ecclesiastical, be thereafter kept yearly, and oftener *pro re nata*, as occasion and necessity shall require; the necessity of all these occasional assemblies being first remonstrated to his Majesty by humble supplication: As also, that kirk-sessions, presbyte-

^a Books Erroneous, 1. ^b Ib. 2. ^c Ib. 3. ^d Supra, 1. ^e Supra, 2.
^f Supra, 3. ^g Places Civil. ^h Assemblies, 1.

ries, and synodical assemblies, be constituted and observed according to the order of this kirk.—*Act Sess. 8. Aug. 17. Ass. 1639.*

V. The assembly approves of a memorial setting forth the evils and grievances of the church from patronages, from the toleration as it stands; the hardships imposed upon Scotsmen in office in England and Ireland, in obliging them to take the sacramental test, and the prejudice done to this church by the differences that have arisen about the oath of abjuration; and recommends to all the members to use their endeavours with friends at London, that the end of the addresses set down in Acts 16, 17. Ass. 1712^a, concerning the oath of abjuration, may be obtained; and the said memorial is put into the hands of their commission, who are enjoined to use all due means to obtain redress, and to send the same to the secretary of state, to be laid before his Majesty.—*Act 9. Ass. 1715.*

EXCOMMUNICATION*.

I. The pretended Archbishops of St. Andrews and Glasgow, the bishops of Edinburgh, Galloway, Ross, Brechin, and Aberdeen, are deposed and excommunicated; and the pretended bishops of Dumblain, Murray, Orkney, Lesmore, Isles, Dunkeld, and Caithness, are deposed for sundry heinous offences and enormities proven against them, and are ordained to be excommunicated, in case of their disobedience to the ordinances of the assembly, by *Act Sess. 20. Dec. 13. Ass. 1638.*

II. The act of assembly at Edinburgh 1569, ordering, that those who will not forbear the company of excommunicated persons after due admonition, be excommunicated them-

^a Oath, 4. 5.

* Depositing and reponing ministers, 1. 5. 10. Papists, 3. 4. Parliament, 4. 6. Kirk, 6. § 1. Ecclesiastical Remedies of Sins, 3. Ecclesiastical Remedies against Profaneness, 13. Public Enemies, 4. § 2.

selves, except they forbear, is ordained to be put in execution, by *Act Sess. 23. 24. Dec 17. 18. Ass. 1638. Art. 16.*

III. That if any minister haunt the company of an excommunicated person, contrary to the laws of the kirk, he be suspended from his ministry, by his presbytery, for the first fault, during their pleasure; and for the second fault, that he be deprived; and in case the presbytery be negligent therein, that the provincial assembly do censure the presbytery thus negligent.—*Act Sess. ult. Aug. 19. Ass. 1643.*

IV. The article of the heads and propositions sent to the assembly held at Edinburgh in 1573, by the Lord Regent, and approved by the assembly, bearing, that it was resolved, that the executions of the sentence of excommunication against persons excommunicated, after the space of forty days past, should be presented to the Lord Treasurer or his clerk, to receive also civil execution upon his Majesty's charges in manner mentioned in the act, is ratified and approved; and presbyteries are ordained to cause send in to the procurator or agent for the kirk, minutes and notes of the sentences of excommunication within their bounds, bearing the time and cause thereof, under the hand of their moderator or clerk, or of the minister that pronounced the sentence, for the end above mentioned; and that particular account be craved hereof in every general assembly. *Ibid.*

V. George Earl of Seaforth ordered to be excommunicated, and intimation to be made thereof in all the kirks of Scotland.—*Sess. 10. June 13. Ass. 1646.*

VI. That the sentence of excommunication being first intimated throughout all the churches within the presbytery where the said sentence was pronounced, (if the persons continue obstinate) the presbytery shall then give an account thereof to the synod, who shall appoint the like intimation to be made in all the churches within their bounds; and, if, notwithstanding of this and other due means used to reclaim them, they still continue obstinate, in that case, that an account of their names and sentences passed against them, be brought by

the said synod to the general assembly, that they may appoint intimation thereof to be made throughout all the churches of the kingdom; and that at the foresaid respective intimations, ministers take occasion to hold forth the sad state and condition of the excommunicated persons, and that they inform the people how to carry towards them.—*Act 9. Ass. 1704.*

Excommunication Less.*

The kirk-session having brought the process to an intimation of the sentence of the lesser excommunication, before they inflict the same, they are to refer the affair to the presbytery, bringing their whole proceedings before the presbytery in writ, that they may have a full view of the whole affair.—*Form Proc. cap. 8 § 4. Act 11. Ass. 1707.*

Excommunication Greater †.

If persons continue under the lesser excommunication a considerable time, and be found frequently relapsing into these vices they were censured for, it may be construed such a degree of contumacy, and so aggravate the crime, as to found a process for the higher excommunication to be inflicted, or not, as may tend most to the reclaiming of the guilty, and edification of the church. *Form Proc. cap. 3. § 6.* All processes, in order to the greater excommunication, to be grounded on manifest contumacy, or obstinate continuance in scandalous practices, and where these are not, the lesser excommunication needs only to have place; yet in some extraordinary cases the church, according to scripture warrant, hath summarily excommunicated persons guilty of notour, atrocious, scandalous sins, to shew the church's abhorrence of such wickedness, *Ibid. cap. 8. § 1.* Though a scandal hath been delated, and contumacy hath followed by not appearing, yet if no scandalous

* Scandals, 9. 10. Competency of Church Judicatures, 2. Absolution, 1. Ministers, 10. § 6.

† See Absolution, 2. Ministers, 10. § 6.

practice hath been proven, then only the simple contumacy is to be proceeded against, for which it were hard to go a greater length than the lesser excommunication. *Ibid.* § 2. If the scandal hath been proven, and the censure of the lesser excommunication intimated, as in *Form Proc. cap. 3. supra*, there is to be no further proceeding, unless the scandal be gross, or of an heinous nature, or that it is spreading and infectious, as in heresies, or schism in the church; in which cases contumacy is to be proceeded against, in order to the greater excommunication. *Ibid.* § 3. If the presbytery find the lesser excommunication not sufficient, and that the affair is so weighty as to oblige them to enter on the process, they are to cause the officer to cite the scandalous person. *Ibid.* § 5. If the party appear and deny the scandal, they are to proceed and lead probation as in other cases. *Ibid.* § 6. If the party contemn the citation, the presbytery is to renew the same, until he hath got three; and after the three citations he is to be cited out of the pulpit, and intimation is to be made, that the judicatory will proceed to enquire into the presumptions or probation of the guilt; and this is to be done although the delinquent be absent. *Ibid.* § 7. Then the presbytery is to order the minister of the congregation next Sabbath, after forenoon sermon, to inform the congregation of the kirk-session and presbytery's proceedings, and the party's contumacy, and that the presbytery intended to proceed to the highest censure, and the minister is gravely to admonish the party (if present) to repent and submit himself, threatening him, that if he continue impenitent, the church will proceed; yea, though he be absent, the minister is to acquaint the people that the church requires him to repent and submit under the foresaid certification. *Ibid.* § 8. There should be three public admonitions, and a presbytery should intervene betwixt each admonition; and if the person still continue impenitent and contumacious, the same is to be represented to the presbytery, who are thereupon to appoint public prayers thrice to be made for the scandalous, impenitent, or contumacious per-

son, humbly to beg that God would deal with his soul, and convince him of the evil of his ways. *Ibid.* § 9. These public prayers are to be put up three several Sabbath days, a presbytery (where it meets at least once a month) intervening betwixt each prayer. *Ibid.* § 10. If the party continue still impenitent, the presbytery, after prayer, is to pass sentence, and to appoint a minister to intimate the same, and to shew the presbytery's resolution to proceed upon such a Sabbath as they shall name, for pronouncing the sentence solemnly in the face of the congregation, unless either the party, or some for him, signify some relevant ground to stop their procedure. *Ibid.* § 11. That day being come, the minister should preach a sermon suited to that solemn occasion, or at least, after sermon, should shew the congregation what he is going about, introducing the narrative of the process, with a discourse concerning the nature, use, and end of church censures, particularly the greater excommunication, if he hath not done it fully in his sermon. *Ibid.* § 12. Then he should narrate the steps of the process, and shew that now all other means being used, there remained only that of cutting off the scandalous person from the society of the faithful, and intimating the presbytery's warrant and order so to do. *Ibid.* § 13. Before sentence, the minister is to pray with the congregation, that God grant repentance to the obstinate person, and bless his ordinance, and make it effectual both for the edification of others, and reclaiming the obstinate sinner. *Ibid.* § 14. Then, after prayer, the minister is with gravity and authority to pronounce the censure, shewing our Lord's command, the apostle Paul's direction, and recapitulating the presbytery's warrant, and resuming the scandalous and obstinate person's behaviour, whom he is to name. He therefore in the name and authority of our Lord and Master Jesus Christ, doth *in verbis de presenti* pronounce and declare him or her excommunicated, shut out from the communion of the faithful, and debarring that person from their privileges, in the words of the Apostle, delivering that person over to Satan; which sentence

is to be intimated, according to *Act 9. Ass. 1704*^a. *Ibid.* § 15. If before pronouncing sentence, the scandalous person make any public signification of his repentance, and his desire to have the censure stopped, the minister, upon apparent seriousness, may delay it, till he report to the presbytery, who are to deal with the person as they see cause. *Ibid.* § 16. After pronouncing the sentence, the people are to be warned to shun all unnecessary converse with that person; nevertheless excommunication dissolveth not the bonds of civil or natural relations, nor exempts from the duties belonging thereto. *Ibid.* § 17. If after all diligence and vigilance, both by doctrine and discipline respectively, for preventing and purging out errors, heresies, schisms, and scandals, tending to the detriment and disturbance of the church, these means alone prove not effectual to that purpose, it is necessary to employ the aid of the civil magistrate, who ought[†] to use his coercive power for the suppressing of all such offences, and vindicating the discipline of the church from contempt. *Ibid.* § 18.—*Act 11. Ass. 1707.*

FASTS.

I. A day of fasting and humiliation is appointed for the causes mentioned in *Act Sess. 13. Aug. 6. Ass. 1642.*

II. That not only the members of the general assembly, but all the congregations also of the town where the assembly, holds, be exercised in fasting and humiliation, the first day of the meeting of the general assembly, for craving the Lord's blessing on that meeting; and that public worship be in all the kirks thereof that day, for that effect.—*Act ult. Sess. 7. June 4. Ass. 1644.*

III. But the said act, as to public fasting in the congregation, is suspended, until the matter were further considered; the exercises, for the members of the assembly at their first meeting, being still observed according to the ancient and laudable practice.—*Act, Sess. ult. June 18. Ass. 1646.*

IV. A solemn national fast and humiliation is appointed to

^a Excommunication, 6.

be kept for the public defections and sins of the land, both in the late and present times; whereof see a long narration in the act; which also contains a serious exhortation to repentance and the performance of several duties, and to fervent prayer for several blessings therein mentioned.—*Act 12. Ass. 1690.*

V. Another fast, for the like causes, is appointed by *Act 6. Ass. 1699.*

VI. Another, by *Act 5. Ass. 1700.*

VII. Another, by *Act 9. Ass. 1701.*

VIII. 'Tis recommended to the several presbyteries, to appoint a fast to be observed within their respective bounds, for the like causes by *Act 26. Ass. 1704.*

IX. 'Tis recommended to the several synods and presbyteries, to set apart a day for public fasting and prayer for her Majesty's preservation and the Protestant religion by *Act 17. Ass. 1705.*

X. A solemn fast and humiliation is appointed for the same causes with the former; and particularly, for the result of the treaty, then on foot, betwixt Scotland and England by *Act 19. Ass. 1706.*

XI. A solemn fast is appointed for a dearth and threatened scarcity.—*Act 8. Ass. 1709.*

XII. A fast is appointed for the great and crying sins of the land.—*Act 6. Ass. 1710.*

XIII. All ministers and members of this church are appointed, religiously to observe all fasts and thanksgivings, whether appointed by the church, or the supreme magistrate, for just and necessary causes: And presbyteries and synods are appointed to take particular notice of the due observation of this *Act 7. Ass. 1710.*

XIV. 'Tis appointed, That the several presbyteries at their first meeting after every public fast or thanksgiving, whether by civil or ecclesiastical appointment, call the several brethren within their bounds to an account how they observed such fasts and thanksgivings, and record their diligence there-

in. And synods are enjoined, at their privy censures, and at their revising of the presbytery books, to take particular notice how the present and the above Act 7. Ass. 1710, have been observed by presbyteries, and the several ministers therein: And they are appointed to record their diligence in their books.—*Act 4. Ass. 1722.*

XV. A national fast is appointed for the causes mentioned in *Act 5. Ass. 1726.*

XVI. The several presbyteries within the church are appointed to fix upon a particular day in the month of June for the observance of a fast on account of a scarcity and a war under which the nation was groaning.—*Act 4. Ass. 1741.*

XVII. A solemn national fast is appointed for the reasons set forth in the act; and supplications proper for the occasion enjoined.—*Act 6. Ass. 1756.*

XVIII. 'Tis recommended, to all ministers, to take such methods as shall appear to them most effectual to fix the attention of all ranks upon the lessons of contrition, thankfulness, and liberality, which then the dispensations of Providence, and the seasonable supply of provisions especially taught. This recommendation is appointed to be transmitted to presbyteries as soon as possible.—*Act 7. Ass. 1783.*

FATHER OF AN ILLEGITIMATE CHILD.

An unmarried woman found with child, being cited, and compearing before the session, is to be interrogated, who is the father of the child: And if she discover him not, she is to be looked upon as contumacious. *Form Proc. cap. 4. § 5.* Sometimes prudence may require, that the person she nameth to be the father, be duly informed thereof, and spoken to privately; and if he deny the same, he is to be seriously dealt with to confess; but if he still deny, the session is to cause him to be cited to appear before them. *Ibid. § 6.* If, when he compears, he still deny, he is to be confronted with the woman, and the presumptions as particularly held forth as possible; and all along there should be private treating with

him, in all meekness, charity, and seriousness; and if, after all this, he deny, though the woman's testimony can be no sufficient evidence against him; yet pregnant presumptions, such as suspicious frequenting her company, or being *solus cum sola in loco suspecto*, or in suspicious postures, or such like, which he cannot disprove to the satisfaction of the session, may so lay the guilt upon him, as to shew him, that there appears no other way of removing the scandal, but his appearance to be publicly rebuked therefore: If he will not submit to this, it perhaps may be more for edification, that a true narrative of the case be laid before the congregation, and intimation given, That there can be no further procedure in the matter, till God give further light, and sist there at the time, than that an oath be pressed, and, upon refusal, proceed to the higher excommunication. *Ibid.* § 7^a. If the delated father purge himself by oath, the woman is to be dealt with to give the true father; and if, after all serious dealing and due diligence, she give no other, she is to be censured, according to the quality of the offence confessed by her, without naming the person delated by her; the judicatory reserving place for further censure, upon further discovery. *Ibid.* § 10. If the woman declares she knows not the father of the child, alleging she was forced, as in the fields, by a person unknown, or any like reason; in these cases, great prudence is to be used, the former behaviour of the woman exactly searched into, and she seriously dealt with to be ingenuous; and if she hath been of entire fame, she may be put to declare the truth, as if she were upon oath, but not without the advice of the presbytery; and no formal oath should be taken; and if the woman confess she was not forced, but doth not know the man, whether married or unmarried; the same censure is to be inflicted upon her as in the case of adultery.—*Ibid.* § 11. *Act 11. Ass. 1707.*

^a See the remainder of this, and Sections 8 and 9, Oath 3.—See also Process, 3.

 FORMULA *.

I. Appointed, that the following formula be acknowledged and subscribed upon the end of the confession of faith:—
 “ I, A. B. do sincerely own and declare the above confession
 “ of faith, approved by former general assemblies of this
 “ church, and ratified by law, in the year 1690, to be the
 “ confession of my faith; and that I own the doctrine there-
 “ in contained, to be the true doctrine which I will constantly
 “ adhere to: As likewise, that I own and acknowledge presby-
 “ terian church government of this church, now settled by law,
 “ by kirk-sessions, presbyteries, provincial synods, and general
 “ assemblies, to be the only government of this church; and
 “ that I will submit thereto, concur therewith, and never en-
 “ deavour, directly or indirectly, the præjudice or subversion
 “ thereof; and that I shall observe uniformity of worship,
 “ and of the administration of all public ordinances within
 “ this church, as the same are at present performed and al-
 “ lowed”.—*Act 11. Ass. 1694.*

II. The presbytery of Auchterarder, is appointed to give Mr William Craig, an extract of his licence to preach the gospel: And the said presbytery, or any other presbytery within this national church, are discharged to require subscriptions of any young men, to be licensed to preach the gospel, or ordained to the office of the ministry, to any *formula*, but such as is, or shall be agreed to, and approved by the assemblies of this church: And the assembly declared their abhorrence of the proposition required by the said presbytery of Mr Craig, viz. “ And further, That I do believe, that it is not sound and orthodox to teach, that we must forsake sin, in order to our coming to christ, and instating us in covenant with God,” as unsound and most detestable, as it stands and was offered by the said presbytery to be subscrib-

* See Representatives in Assemblies, 10. Commissions to Representatives in Assemblies, 2, 4. Probationers, 21.

ed by Mr Craig: But the ministers of the said presbytery not being present to answer for themselves, they were appointed to be cited before the commission, to answer them in the matter above written; and the commission is appointed to determine therein, as they shall find just.—*Act 10. Ass. 1717.*

III. The brethren of the presbytery of Auchterarder, having compeared before the commission, and represented what they intended by the said proposition, and the commission having accepted of the sense they offered of it, with this declaration always, that however sound and orthodox they were in their meaning, and what they intended by that proposition, yet they had expressed it in words very unwarrantable and exceptionable: And the commission having admonished them, and discharged them to use that expression in time coming, and the brethren of Auchterarder having engaged to observe this prohibition; the assembly approved of their commission's proceedings in this matter; and, for vindication of their brethren of Auchterarder, appointed the above to be printed among their public acts.—*Act 8. Ass. 1718.*

HIGHLANDS*.

I. That the knowledge of God in Christ, may be spread through the Highlands and Islands, agreed, 1. That an order be procured, that all gentlemen who are able, do send at least, their eldest sons, to be bred in the inland. 2. That a ministry be planted among them, and for that effect, that ministers and expectants, who can speak the Irish language, be sent to employ their talents in these parts; and kirks there be provided as other kirks in this kingdom. 3. That Scots schools be erected in all parishes there, according to the act of parliament, where conveniently they can be had. 4. That all ministers and ruling elders that have the Irish language, be appointed to visit these parts; and this purpose is recommended to further consideration, that more overtures might

* Bursars 13. Probationers, 9, 14, 24.

be prepared thereanent, against the next assembly.— *Sess. ult. June 18. Ass. 1646.*

II. Some Highland boys are recommended to bursaries in universities, and every congregation is appointed to pay forty shillings Scots, yearly, for maintaining other Highland boys at schools, in manner mentioned in Act *Sess. 29. Aug. 4. Ass. 1648.*

Nota. This collection was only to endure twelve years.

III. The provinces of Murray, Ross, and Caithness, are exempted from the above contribution of forty shillings, upon condition that each presbytery of these provinces, entertain one, having the Irish language, at schools and colleges.—*Act Sess. 40. Aug. 11. Ass. 1648.*

IV. Instead of the above contribution of forty shillings, an extraordinary collection is ordained to be made at kirk doors one Sabbath in the year, for entertainment of Irish boys at schools and colleges, by Act *Sess. ult. Aug. 6. Ass. 1649.*

V. 1. Appointed, that a letter of thanks be written to the contributors to the fund for Irish bibles, New testaments, and catechisms. 2. Thought needful, that there be an advance of £1000 Scots more, and that their Majesties' privy council be supplicated therefore, out of the vacant stipends of the churches whereof the King is patron. 3. Recommended to the kirk-sessions, heritors, and others concerned in the *Highlands*, to see the act of parliament anent the erecting of schools in every parish, duly executed, and the funds established by law for the same be made effectual. 4. That the agent for the church receive the foresaid £1000 Scots, and disburse the same at sight of the ministers named in the act; and also receive the books above mentioned, being 3000 bibles, 1000 New testaments, and 3000 catechisms, from London. 5. That the members of that assembly, from the several synods, having *Highland* parishes in their bounds, do meet and appoint some to receive and proportion the said books, among the respective parishes. 6. Recommended to the ministers concerned in the *Highlands*, to dispatch the whole pa-

raphrase of the Irish psalms to the press, and if the principal copy can be recovered, to expedite the same; but that any other copy they have, be revised and approved by the synod of Argyle, that the same be printed.—*Act 11. Ass. 1690.*

VI. Sixteen ministers, particularly named from the synods in the south, mentioned in the act, are appointed to go to the synods in the north, therein expressed, and supply vacancies for three months; and after them, other sixteen, according to the proportions set down in the said act, for the like time; and so forth quarterly, by turns, until the next assembly: And recommended to the respective presbyteries, punctually to supply the kirks of those that go to the Highlands, or are upon the commission or committee for the north.—*Act 14. Ass. 1694.*

VII. Recommended to the commissioners of assembly, and committee for the north *respectivè*, to make inquiry into unwarrantable and illegal intrusions; and to apply to the Lords of privy council to declare the intrusion, to the effect the kirks intruded into might be planted orderly, with their Lordships' assistancè.—*Act 16. Ass. 1694.*

VIII. Some ministers and elders, appointed as a committee for the north side of Tay, to determine in all references, appeals, and other matters particularly remitted to them; and especially, in all things contained in, and conform to, the overtures and instructions given them by that assembly^a, and in no other matters: And they are declared only accountable to the next assembly; and their commission to continue till the second Tuesday of April 1695, or the next assembly, if it first happen.—*Act 19. Ass. 1694.*

IX. Recommended to all presbyteries, that they fix no preachers or intrants, having the Irish language, in any congregation within the Lowlands of Scotland, without the consent of, and a certificate from the presbyteries in the Highlands where they formerly resided.—*Act 21. Ass. 1694.*

^a Instructions, 1.

X. Some overtures are agreed to, for the more expedite planting of the Highlands, and declared to be condescended to, only for the present exigence, and to be no precedent for after times;—to be seen at large in *Act 12. Ass. 1696*:

XI. Supplies of ministers are sent to Ross, Sutherland, and Caithness; and appointed, that such as have the Irish language, in Lowland congregations, be sent in mission, and upon calls, transported by the commission; and that in the same way as other ministers are appointed to be transported to the north.—*Act 14. Ass. 1696*.

XII. Forty-four ministers are nominated and appointed to go from the presbyteries in the south, for the supply of the north, the one half after the other, by turns.—*Act 15. Ass. 1696*.

XIII. The acts, proceedings, and conclusions of the foresaid committee 1694, for the north, are unanimously ratified and approven.—*Act 17. Ass. 1696*.

XIV. The ordinary supplies for the north, are ordered to continue till the next assembly, conform to the foresaid Act 14. Ass. 1694^a. And recommended to presbyteries and synods, that the same be made effectual; these named, and formerly appointed to be sent from the several presbyteries by way of mission, being always sustained as a part of the said supply: But the presbytery of Perth is exeemed, in their present circumstances, from supplies to the north.—*Act 25. Ass. 1696*.

XV. Those who had not obeyed the foresaid Act 1696, are appointed to fulfil their mission.—*Act 6. Ass. 1697*.

XVI. The synods besouth Tay, are ordained to send to the north eighteen ministers, according to the proportions set down in this Act; and to send a quarterly supply of ministers, ay and while the sitting of the next assembly; and recommended to presbyteries, to supply the kirks of the ministers sent to the north, with daily preaching, at least two Sab-

^a Supra, 6.

baths of three; and these ministers sent to supply the north, are ordained to produce to their own presbytery, a testimonial from the presbyteries whose bounds they did supply, of their having fulfilled their appointment, and of their carriage and behaviour during their abode in these bounds.—*Act 14. Ass. 1697.*

XVII. That when any parish on the north side of Tay, or of the town and presbytery of Perth, and presbyteries of Auchterarder, and Dunkeld, shall call a minister belonging to any parish on the south side of Tay; the procedure in his transportation shall be according to the overtures of the aforesaid Act 12. Ass. 1696^a. And the presbyteries on the south side of Tay, are appointed to send to the north, a number of probationers equal to that of the ministers they are ordered by the foresaid Act 14. Ass. 1697^b.; and the time of their staying there, and the work of the ministers sent north, is prescribed;—Directions are given for the speedy planting of the north, both to the people in the north, and the commission of assembly; and presbyteries are desired to proceed deliberately with any of the late conform ministers, either as to their censure or reception; and that as to the last, they follow the directions in the Act 11. Ass. 1694^c.—*Act 16. Ass. 1697.*

XVIII. Deficients in supplying the Highlands, are appointed to fulfil their missions, conform to Act of Ass. 1696^d. —*Act 7. Ass. 1698.*

XIX. That twelve ministers be transported from the South to the provinces of Angus and Mearns, Aberdeen, and Murray, and parishes thereof mentioned in the act: And directions are given to the presbyteries in the said provinces, for the speedy settling of their parishes; and several cautions are given them as to their procedure. Twenty probationers are also ordered to the places of the North expressed in the act; and one hundred merks, out of the King's gift to the church,

^a Supra, 11. ^b Supra, 16. ^c Instructions, 2. ^d Supra, 12.

is allowed to defray their charges; two hundred merks to these who go to Orkney; and they are ordered to go when sent, or lose their licences: The supplies granted by Act 14. Ass. 1697^a, are continued and proportioned: The commission of this assembly is impowered to divide themselves into committees: And these committees are authorised to visit the bounds they are appointed to, receive complaints from presbyteries, redress grievances, inflict censures, &c. in conjunction with the presbyteries.—*Act 8. Ass. 1698.*

XX. The synods besouth Tay are appointed to send fifteen ministers to the bounds of the synods in the North, every four months, according to the proportious mentioned in the act; that their presbyteries supply their kirks during their absence; and that the ministers sent catechise, and do all appointed by former acts of assembly, and report, to their own presbyteries, testificates, as in act 1697^b.—*Act 14. Ass. 1698.*

XXI. Some probationers are appointed to go to the North; and the excuses of others, referred to the commission.—*Act 19. Ass. 1698.*

XXII. Enacted, 1. That all ministers and probationers who have the Irish language, be sent to Highland parishes, and that none of them be settled in the Low Country, till the Highland places be first provided. 2. That ministers and ruling elders, who have the Irish language, be appointed to visit these parts. 3. That where, in any Highland congregation, many understand English, and there used once a-day to be a sermon in English, presbyteries be careful to supply them, sometimes by preaching in English, and that they catechise them who understand not, by an interpreter, when they cannot get one to preach to them in Irish; and that these, whether ministers or probationers, who have somewhat of the Irish language, but not a facility to preach in it, be sent to these parts for the ends foresaid, that by converse they may learn more of the language, and ability to instruct the people. 4. That English schools be erected in all High-

^a Supra, 16.

^b Supra, 17.

land parishes, according to former acts of parliament and general assemblies; and 'tis recommended to the commission, to address the King and parliament, to take such course for this and other pious uses in the more northern Highland places, as is done in Argyle. 5. Recommended to presbyteries and universities, to have a spiritual regard to the disposal of their bursaries, for educating such, as it is hoped, may be useful to preach the gospel in the Highlands; and that the commission address the Lords of the treasury, and recommend the same to the town council of Edinburgh, and other patrons for this end: and that the presbyteries of Dumbarton, Dumblain, Aucherarder, Dunkeld, Inverness, Aberlour, Tain, Dingwall, Dornock, and Caithness, have bursars who have the Irish language if they can be had, and that universities recommend students having that language, and who are piously disposed, and of sound principles, to any of the above presbyteries.—*Act 9. Ass. 1699.*

XXIII. That any of the twenty probationers sent by the last assembly to the Highlands, who have not obeyed the appointment, be sent back again to fulfil the twelvemonths: the settling of any north country probationers in the south is discharged; except on the conditions expressed in the Act. And other twenty probationers are ordered north, according to the proportions, and for the time mentioned in the Act. And these who go to Perth, Auchterarder, and Dunkeld, are allowed £40 each; to Angus £50; to Aberdeen 100 merks; to Murray £80; to Ross, Sutherland, and Caithness, £100; and to Orkney, 200 merks; out of the king's gift. Directions are given to them, with respect to their settlement. Eleven actual ministers are ordered to be sent north, each for four months, and subjected to transportation, as in the Act. But it is recommended to presbyteries, not to make use of the *jus devolutum*, till all other means be essayed.—*Act 11. Ass. 1699.*

XXIV. Appointed, 1. That each presbytery give up yearly to the general assembly a distinct account of probationers and students of divinity within their bounds, who have the Irish

language. 2. That ministers having that language settled in the Lowlands, be sent to supply vacancies in the Highlands; and if they get orderly calls, that they be transported thither. 3. A committee is appointed to distribute the Irish bibles, and to take receipts therefore. And 4. To enquire anent the £1000. given by the treasury for binding these bibles, and the remains thereof allotted to help a fund for a new impression thereof. 5. That all, especially presbyteries having Irish parishes, consider what may be done to get a fund for a new impression, of these bibles, and of the Irish psalms in metre, and shorter catechisms. 6. That the synod of Argyle translate the confession of faith of this church, and larger catechisms into the Irish language, and exactly notice any typographical errors in the late impression of the Irish bible, that they may be amended in a new impression. 7. That they continue to visit the country and isles in their bounds, and assist their neighbours. 8, 9, 10, 11, 12, 13, 14. Committees are appointed for visiting several Highland parishes, kirks, manses, glebes, and schools, in manner mentioned in these articles. And, 15. That his Majesty be addressed for the effect of his royal munificence to the more northern Highlands, and the concurrence of the nobility and gentry concerned, be desired for this end.—*Act 16. Ass. 1699.*

XXV. The brethren that shall go north upon commissions, are excused from giving in supplies there, when it comes to their turn; and their churches are appointed to be supplied during their absence.—*Act 14. Ass. 1700.*

XXVI. Nine ministers are sent, for supplying the north, each four months, till the next assembly, according to the proportions mentioned in the act; and eighteen probationers, in the same terms, and with the same encouragements that the twenty probationers had, which were sent by assembly 1669^a.—*Act 21. Ass. 1700.*

XXVII. That all former acts for rendering effectual the

^a *Supra*, 23.

supply of the north with ministers, not expressly rescinded, shall be in full force; and referred to the commission to see to the execution thereof.—*Act 24. Ass. 1700.*

XXVIII. Four ministers sent to supply in the North according to the proportions mentioned in the act, and seven-teen probationers, as by the former assembly.—*Act 6. Ass. 1701.*

XXIX. The above Act 24. Ass. 1700^a, declared to stand still in full force; and 'tis referred to the commission to see to the observation thereof.—*Act 17. Ass. 1701.*

XXX. Act concerning the planting of vacant churches in the North, the Highlands and Islands, and supplying thereof with ministers and probationers, and promoting religion and the kingdom of God in these places, which contains particular instructions to the commission for supplying vacancies, and planting parishes, and appoints the commission to encourage the erecting of schools and libraries in the Highlands.—*Act 9. Ass. 1703.*

XXXI. All presbyteries of this church are discharged for the future, to concur with any call or design of settling any minister or probationer having Irish, in any congregation in the Lowlands, unless such persons have been for one year at least in the Highlands supplying vacancies, and no call offered to them, and in that case, presbyteries are allowed to settle them; but with this condition, that so soon as a call comes from any Highland parish, needing one having the Irish language, that such persons be transported; and all former acts ancient planting the Highlands are renewed; and 'tis referred to the commission to take care that the same be put in due execution.—*Act 11. Ass. 1708.*

XXXII. Presbyteries are ordained, when they are to take a young man under trials, who lived for some time in his younger years in the Highlands, or where the Irish language is generally spoken, to write to that presbytery in whose

^a *Supra*, 27.

bounds he lived the said time, to make enquiry whether such a person hath the Irish language, or might soon acquire it, and upon report that he hath it, or may soon acquire it, that he be sent to supply in the Highlands, as one that hath the Irish language; and 'tis certified, that if presbyteries, settle any in these circumstances in a congregation having only the English language, they shall be censured, and the person so settled shall be transportable to any Highland congregation that shall call him, and shall be liable to be sent as a supply to the Highlands, any such settlement notwithstanding: And the commission is empowered to receive complaints from any presbytery or parish in the Highlands, who shall find themselves lesed in this matter, and to put the present act in execution in all points.—*Act 5. Ass. 1709.*

XXXIII. Three ministers from the Lowlands, and as many from the synod of Argyle, are commissioned to join with the presbytery of Lorn, to perambulate Lochaber, and other parishes in the bounds of the said presbytery, and discourse with the heritors and inhabitants concerning new erections of churches in that country, and settlement of schools therein; and to endeavour to get places condescended on for that effect, and to obtain in writ the consent of heritors; and also for preaching the gospel, visiting families, and doing other ministerial duties in that part of the Highlands.—*Act 15. Ass. 1712.*

XXXIV. The assembly discharges the planting, in Lowland congregations, preachers having the Irish language, especially such as have been educated upon the Highland burseries; or, transplanting to the Lowlands, ministers planted in the Highlands, without a particular allowance of the assembly.—*Act 8. Ass. 1716.*

XXXV. The commission is impowered, to send committees to the north and Highlands, to visit churches there and consider the state thereof, and purge and plant kirks, and to join the presbyteries of the bounds they are sent to, and assist them in their work.—*Act 9. Ass. 1716.*

XXXVI. All former acts for planting preachers and ministers in the Highlands, who have the Irish language, and for transporting ministers from the Highlands to the Lowlands, are ratified and confirmed: And 'tis further appointed, That no transportation from the Highlands to the Lowlands, nor from one part of the Highlands to another, be granted, nor any thing done by any judicature, which directly tends thereunto, without duly calling all concerned, and hearing them thereupon, and examining the sufficiency and proof of the reasons on both sides of the question; and 'tis declared and ordained, That from any Highland place, especially where Popery abounds, a minister shall not be transported, nor any steps made towards the same, but upon great and weighty reasons, and for the evident good of the church: And moreover, That in Highland parishes, wherein Popery abounds, no minister shall be transported, nor any thing done leading thereto, but by the general assembly, except it be to another Highland parish, wherein Popery also prevails.—*Act 9. Ass. 1726.*

XXXVII. The assembly, in an address to King George III. declare their concern for the ignorance and error of the inhabitants of the remote parts of Scotland, and express their wish to be enabled to erect new parishes in different parts of the Highlands, with part of the rents of the forfeited estates.—*Act 6. Ass. 1765.*

XXXVIII. That the Gaelic translation of the scriptures now in use, be revised by persons named of acknowledged skill and experience, that it may be improved and rendered as complete as possible, and that the Society for Propagating Christian Knowledge be encouraged and supported in the quarto edition of the Bible in which they are engaged: A committee is appointed to consider the means employed to procure the best translation that can be obtained, and to attend to the edition projected: The use of any other Gaelic version of the scriptures is prohibited in churches, chapels, missions, and schools, within the established church, other

than any of the editions published by the Society, until the new work is completed: And enjoined, that this resolution be sent to every presbytery within whose bounds parishes are situated, in which the Gaelic language is spoken.—*Act 6. Ass. 1816.*

INFORMERS*.

There is no need of an accuser or informer in an ecclesiastical process, where the same is not raised at the instance of a party complaining formally; but if the party be acquitted, the informer ought to be noticed either for his calumny, or imprudence, as the judicatory shall find cause.—*Form Proc. cap. 2. § 8. Act 11. Ass. 1707.*

INSTRUCTIONS†.

I. The commissions granted by Act 16^a. and 17^b. Ass. 1690. for visitations on the north and south sides of the Tay, were instructed: 1, 2. To discuss all references, appeals, and bills committed to them by that assembly. 3. To give advice to presbyteries. 4. Purge out all insufficient, supinely negligent, scandalous, and erroneous ministers. 5. Visit ministers. 6. Admit to ministerial communion, and a share of the government, such of the Episcopal clergy, as they, on due trial, found to be orthodox in doctrine, of competent abilities, having a pious, godly, loyal, and peaceable conversation, of an edifying gift, and who, they believe, should be true and faithful to God and the government, and diligent in their ministerial duties, that shall subscribe the confession of faith, and profess their submission to, and willingness to join and concur with the presbyterian church government. 7. Act cautiously and deliberately in their procedure against the late conformists. 8. Keep close to their instructions.—*Act 15. Ass. 1690.*

* See Ministers, 10. § 3.

† See Libraries, 3. Commissions of Assemblies. Commission for Reformation in the Highlands.

^a Commission of Assemblies, 14.

^b Ibid. 15.

II. The commission granted by Act 18. Ass. 1694 ^a. was instructed: 1. To determine in all matters remitted to them by the assembly; some of them to go to the North, and the rest to continue in the South; their *quorums* are fixed, and their first meeting determined by the assembly; but their after meetings left to their own appointment. 2. 3. 4. 5. 6. They are instructed to receive into ministerial communion, such of the episcopal clergy whom they should find qualified as above, and who should apply personally and orderly, and should acknowledge, engage, and subscribe upon the end of the confession of faith, as follows, viz. “ I, A. B. do sincerely own and
 “ declare the above confession of faith, approved by former
 “ general assemblies of this church, and ratified by law, in the
 “ year 1690, to be the confession of my faith; and that I own
 “ the doctrine therein contained, to be the true doctrine which
 “ I will constantly adhere to: As likewise, That I own and ac-
 “ knowledge the Prebyterian church government of this church,
 “ now settled by law, by kirk-sessions, presbyteries, provincial
 “ synods, and general assemblies, to be the only government
 “ of the church; and that I will submit thereto, concur there-
 “ with, and never endeavour, directly or indirectly, the pre-
 “ judice or subversion thereof; and that I shall observe uni-
 “ formity of worship, and of the administration of all public
 “ ordinances within this church, as the same are at present
 “ performed and allowed ^b.” And take trial of ministers ac-
 cused of any scandal, error, supine negligence or insufficiency, and report to the assembly; and determine in the case of gross uncontroverted scandals, give advice to presbyteries, censure calumniators of ministers. 7. Settle elderships, and plant vacant congregations in the North, and determine in appeals.—
Act 11. Ass. 1694.

III. Instructions, much of the same nature, are given to the commission of the assembly 1698, by act 13. of that assembly.

IV. To the commission of assembly 1699, by act 15, of that assembly.

^a Commissions of Assemblies, 17.

^b Formula, 1.

V. The instructions and advices given to the presbyteries of Caithness, Orkney, and Zetland, at their election, are continued; and referred to the commission, to add to, or alter the same, as they shall see cause; and otherwise to assist the said presbyteries in manner mentioned in *Act 7. Ass. 1700.*

VI. To the commission of the assembly 1700, by act 20. of that assembly; and they are further instructed, to supply the African and Indian colony with ministers, and to suspend for three months, and thereafter to depose ministers disobeying sentences of transportation.

VII. The like instructions are given to the commission of the general assembly 1701, by act 16. of that assembly; and renewed in the commission given by *Ass. 1702.*

VIII. The like instructions are given to the commission of the general assembly, 1703, by act 5. of that assembly.

IX. To the commission of the general assembly 1704, by act 20. of that assembly; and further the care of the Highlands and Islands is particularly committed to them; and they are instructed to make an application to the parliament, for a commission for the plantation of kirks, and visitation of schools and colleges.

X. XI. The like instructions are given to the commission of the general assembly 1705, by act 14. of that assembly; only they are discharged to meddle with sentences of synods, excepting causes specially referred to them by the assembly: And the same instructions are renewed in the commission given by *Ass. 1706.*

XII. The like instructions as were given to former assemblies to their commissions are given by *Act 13. Ass. 1707.*

XIII. The like instructions are given by assembly 1708, to their commission; only they are further ordered, to apply to, and correspond with, the Lords of council and session, about the design of erecting schools in the North, the Highlands and Islands, and propagating the knowledge of God and our Lord Jesus Christ, in these and foreign parts of the world, and to write to presbyteries to excite persons to con-

tribute towards that design; and that presbyteries report an account of their diligence in that matter to the commission; and 'tis referred to the commission to use their endeavours for the execution of Acts 5^a. 8^b. and 15^c. of Ass. 1707.—*Act 9. Ass. 1708.*

XIV. The like instructions, as formerly, are given by Ass. 1709, to their commission; only there is added a clause, requiring the commission to take notice of what misrepresentations might be made, either at home or abroad, of the doctrine, worship, or constitution of this church; and that they take all decent and proper methods for the vindication of the church.—*Act 10. Ass. 1709.*

XV. The like instructions, as formerly, are given to the commission, by *Act 15. Ass. 1710.*

XVI. And again, by assembly 1711, an article is added, requiring them to do what is proper, to maintain the rights and privileges of this church; and another, empowering them to use their endeavours to get a school erected in every parish, according to law.—*Act 9. Ass. 1711.*

Nota. The like instructions are given as formerly, to the commissions of the general assembly from 1712 to 1720: And for instructions by the assembly to her commissions from 1720, forwards.—*See commissions of assemblies.*

XVII. As a particular instruction, 'tis appointed, That all questions concerning the settlement of parishes, not already depending before this assembly, but that may be brought before the commission, in pursuance of a general reference, shall not be decided by them otherwise than by appeal or reference from the synod within which the vacant parishes lie.—*Act 7. Ass. 1743.*

KIRK *.

I. 'Tis declared, That by divine, ecclesiastic, and civil war-

^a Schools, 6.

^b Papists, 14.

^c Unity in Worship, 5.

* See Visitations Presbyterial, 111.

rants, this national kirk hath power and liberty to assemble and convene, in her yearly general assemblies, and oftner, *pro re nata*, as occasion and necessity shall require; and the diet of the next assembly is appointed, and all presbyteries, universities, and burghs, are warranted to send commissioners for keeping the same; and power is given to the presbytery of Edinburgh, *pro re nata*, and upon any urgent and extraordinary necessity (if any happen betwixt and the diet of the next assembly) to give advertisement to all the presbyteries, universities, and burghs, to send their commissioners for holding an occasional assembly: And if, in the mean time, it shall please his Majesty to indite a general assembly, all presbyteries, universities, and burghs, are ordained to send their commissioners for keeping the time and place which shall be appointed by his Majesty's proclamation.—*Act Sess. 26. Dec. 20. Ass. 1638.*

II. The judicatories of this kirk, viz. kirk-sessions, presbyteries, provincial and general assemblies, are restored to their full integrity, in their members, privileges, powers and jurisdictions, as they were instituted by the *Book of Policy*, registrated in the books of assembly 1581, and ordained to be subscribed, 1590, 1591.—*Act Sess. 21. Dec. 17. Ass. 1638.*

III. An overture for putting in execution the act of assembly at Edinburgh 1588, Sess. 5. against burial in kirks, is referred to the care of presbyteries by Act Sess. 23, 24. Dec. 17, 18. Ass. 1638. Art. 22.

IV. All former acts and constitutions made against burial in kirks, ratified and approven, and all persons, of whatsoever quality, inhibited and discharged to bury any deceased person within the body of the kirk, where the people meet for the hearing of the word, and the administration of the sacraments, or to hang pensiles or boards, to affix honours or arms, or to make any such like monuments, to the honour or remembrance of any deceased person, upon walls, or other places within the kirk, where the public worship of God is exercised, as said is.—*Act Sess. 6. Aug. 11. Ass. 1643.*

V. That all presbyteries take special care, that the present opportunity be diligently improved by all their members, as need is, before the commission of plantation of kirks, for the provision, plantation, convenient dividing, dismembering, better uniting and enlarging of parish kirks, as they would not be censurable for their neglect; and that every presbytery send into the next general assembly the names of all their parishes, with declarations which of them have ministers, which not, what is the largeness of their bounds, commodious or incommodious situation of each parish kirk, what is the number of communicants, what kirks are under patrons, and what not; who are the several patrons; what is the nature and quantity of the present provision, or possible ground of further provision for competent maintenance, where the same is not sufficiently provided already: As also, what parishes are united, or disunited, or bettered already, and in what measure, by the said commission, that the general assembly being acquainted therewith, may do accordingly, both for censuring neglecters, and finding out overtures for the better furthering of the work in time to come; and that the next ensuing provincial synods crave account of the several presbyteries' diligence, and press, that they may have it ready in writing to present to the provincial synods in April 1648, that so all may be in readiness, and full accounts made at the next general assembly.—*Sess. 27. Aug. ult. Ass. 1647.*

VI. The following heads for kirk government for vindicating the truth against the dangerous tenets of *Erastianism* and *Independency*, falsely called *liberty of conscience*, are un-animously approven, and agreed unto, viz. 1. That the ministry of the word, and administration of the sacraments of the New Testament, baptism and the Lord's supper, are standing ordinances instituted by God himself, and to continue in the church to the end of the world. 2. That such as administer the word and sacraments, ought to be duly called and ordained thereto. 3. That some ecclesiastical censures are proper and peculiar to be inflicted only upon such as bear

office in the kirk; other censures are common, and may be inflicted both on ministers and other members of the kirk.

4. That the censure of suspension from the sacrament of the Lord's supper, inflicted because of gross ignorance, or because of a scandalous life and conversation; as likewise, the censure of excommunication, or casting out of the kirk, flagitious or contumacious offenders, are both warranted by, and grounded upon the word of God, and are necessary (in respect of Divine institution) to be in the kirk. 5. That as the rights, power, and authority of the civil magistrate are to be maintained according to the word of God, and the confession of the faith of the reformed kirks; so it is no less true and certain, that the Lord Jesus Christ, the only Head, and only King of the kirk, hath instituted and appointed a kirk government distinct from the civil government or magistracy. 6. That the ecclesiastical government is entrusted and committed by Christ to the assemblies of the kirk, made up of ministers of the word, and ruling elders. 7. That the lesser and inferior ecclesiastical assemblies ought to be subordinate and subject unto the greater and superior assemblies. 8. That notwithstanding hereof, the civil magistrate may, and ought to suppress, by corporal and civil punishments, such, as by spreading error or heresy, or by fomenting schism, greatly dishonour God, dangerously hurt religion, and disturb the peace of the kirk; which heads of doctrine the assembly declare they firmly believe, own, maintain, and commend unto others, as solid, true, and orthodox, grounded upon the word of God, and consonant to the judgment both of the ancient and best reformed kirks; and a more particular examination of these one hundred and eleven propositions is committed and referred to the theological faculties in the four universities of this kingdom, and the judgment of each of these faculties, concerning the same, appointed to be reported to the next general assembly; and presbyteries are appointed to send their judgment concerning the same to the next assembly; and any others that please to peruse them, are allowed to

make known, or send their judgment concerning them to the said assembly.—*Act Sess. ult. Sept. 1. Ass. 1647.*

VII. That the ministers and the people repair to the kirk, half an hour before that time, at which ordinarily the minister now entereth to the public worship; and that the exercise of reading and expounding, together with the ordinary exercise of preaching, be perfected and ended at the time which formerly closed the exercise of public worship.—*Act Sess. 14. Feb. 7. Ass. 1645.* The act is the opinion of the committee for keeping greater uniformity in this kirk.—*Art. 1.*

VIII. A recommendation to parliament, and commission for plantation of kirks, to dismember such kirks, as were incommodiously united in corrupt times, and adjoin the same (or kirks incommodiously erected by themselves) to other kirks, when the present incumbents agree thereto; providing always the present ministers, who have laboured and endured the heat of the day, may enjoy the benefit of such parcels as shall be taken from them, during their life, is approvén; and referred to the commission, to assist any interested in these particulars, in prosecuting the same before these judicatures.—*Sess. ult. Sept. 1. Ass. 1647.*

KIRK-SESSIONS.

I. An overture, That no minister moderating in his session, usurp a negative voice over the members of his session; and where there are two or more ministers in one congregation, that they have equal power in voicing; that one of them hinder not the reasoning or voicing of any thing, whereunto the other minister or ministers, with a great part of the session, inclineth, being agreeable to the acts and practices of the kirk; and that one of the ministers, without the advice of his colleague, appoint not diets of communion or examination, neither hinder his colleague from catechising, and using other religious exercises, as oft as he pleaseth; is referred to the care of presbyteries, by *Sess. 23, 24. Dec. 17. 18. Ass. 1638. Art. 18.*

II. That the session books of every parish be presented once a year to the presbyteries, that they may be tried by them.—*Act Sess. 22. Aug. 29. Ass. 1639. Art. 4.*

III. That the old session elect the new one, both in burgh and land; and if any place shall vaik, in the session chosen, by death or otherwise, that the present session have the election of the person to fill the vacant room.—*Act Sess. 5. Aug. 1. Ass. 1642.*

L.

LECTURING*.

I. 'Tis recommended to the several presbyteries, that they endeavour that ministers within their respective bounds, shall, in their exercise of lecturing, read and open up to the people, some large and considerable portion of the word of God, to the effect the old custom, introduced and established by the directory, may, by degrees, be revived.—*Act 9. Ass. 1694.*

II. The several ministers of the church are appointed and ordained, to observe the foresaid Act 9. Ass. 1694, anent lecturing: And 'tis recommended to presbyteries, at their privy censures, to enquire how the said act has been observed by the several brethren within their bounds, and that an account of their diligence thereanent be inserted in their presbytery books, and that synods, at their privy censures, enquire how presbyteries have observed the said recommendation.—*Act 5. Ass. 1704.*

III. That the several presbyteries, at their privy censures and parochial visitations, enquire diligently how ministers observe the acts of former assemblies, concerning lecturing and expounding the holy scriptures.—*Act 10. Ass. 1706.*

* Remedies Particular Ecclesiastic of Sins.

 LETTERS *.

I.

Letters to and from Ireland.

I. A letter from the distressed professors in Ireland, after the rebellion, to the general assembly, begging to be supplied with ministers, and an answer thereto, are recorded in *Sess.* 13. *Aug.* 6. *Ass.* 1642.

II. Another letter from Ireland, to the same effect, and begging, that ministers fled from them might be declared transportable, that they might lie open to a call from them, is recorded in *Sess.* 4. *Aug.* 5. *Ass.* 1643.

III. And in answer to the above, there is a commission granted to some ministers to go to Ireland.—*Sess. ult. Aug.* 19. of the same *Ass.* 1643.

II.

Letters to the African Company's Ministers.

Letter from the general assembly to the ministers sent by the commission of the general assembly 1699, to the African and Indian company's colony in Caledonia, comforting them and strengthening their hands in their work.—*Act* 16. *Ass.* 1700.

III.

Letters to and from Commissioners at London.

I. A letter from the general assembly to the commissioners from Scotland at London, entreating them to use all lawful means, arguments, and occasions, to advance unity in religion, and uniformity in church government, betwixt the kingdoms.—*Sess.* 11. *Aug.* 5. *Ass.* 1642.

II. Letter from the commissioners at London to the general assembly, giving them an account of their diligence, and of the advancement of the work of reformation in England;

* See Probationers, 16. Presbyteries, 6.

particularly, that the solemn league was taken there, and prelacy abolished; and begging the help of their prayers; and the assembly's answer thereto, sent to them with their commission, are recorded in *Sess. 7. June, 4. Ass. 1644.*

III. Another letter from these commissioners to the general assembly, giving a farther account of their proceedings; and desiring, that the directory for worship, then concluded in both houses of parliament in England, and sent down to Scotland, might be returned with all expedition, that it might be published there, and put in practice; that any differences among particular brethren about the same, might be laid aside, and that the assembly might appoint a commission, to whom they might have recourse for advice, is recorded in *Sess. 2. Jan. 23. Ass. 1645:* And the assembly's answer thereto; shewing their joy for the advances made in the uniformity of religion, encouraging them to continue in their work, and referring particulars to the brethren returning to them, is recorded *Sess. ult. of the same assembly.*

IV.

Letter to Countrymen Abroad.

Letter from the general assembly to the Scotch ministers in Poland, Sweden, Denmark, and Hungary; beseeching and warning them to seek after the knowledge of Christ; and for help therein to pray, that God would give them pastors according to his heart; and to consult and agree amongst themselves, with consent of the superiors under whom they live, for setting up the worship of God, and ecclesiastical discipline among them, according to the form established and received in their mother kirk, and for a way of settled maintenance of pastors and teachers; promising, that the commissioners of assembly will, upon their desire, provide some able and godly ministers for them; and likewise, communicating to them the directory for the public worship of God, the form of ecclesiastical government and discipline, with the confession of faith and catechisms of this church; and in the meantime, exhort-

ing them to private and secret prayer ; to stedfastness in that faith in which they were baptised ; to a suitable conversation ; and to a sense of their country's sufferings ; is recorded in *Sess. ult. Sept. 1. Ass. 1647.*

V.

*Letters to and from Divines and their Assembly in
England.*

I. A letter from some ministers in England, craving the assembly's advice, respecting the form of church government that should be set up in place of episcopacy then to be abolished : And the assembly's answer thereto, recommending to them unity in doctrine, discipline, and government with the kirks of Scotland.—*Sess. 18. Aug. 9. Ass. 1641.*

II. Letter from some ministers in England, to the general assembly, shewing their desire, that Prebyterian church government should be established amongst them ; that there should be an uniformity in doctrine, discipline, and government betwixt the nations ; one confession of faith, one directory of worship, one public catechism and form of government ; and craving the assembly's advice, respecting the means of advancing that work, and their assistance therein ; and the assembly's answer to that letter, shewing their earnestness with God, and the endeavours used by them, both with his Majesty and the parliament of England, for the fore-said uniformity ; and entreating, that that work may be prosecuted with diligence by the joint labours of some divines in both kingdoms, who may prepare the same for the view of a more frequent and ecclesiastical meeting of the best affected to reformation in England, and of the commissioners of the general assembly in Scotland ; that in the end, it might be approved by the general assembly here, and of all the kirks there in the best way that may be ; and at last, of the national assembly, when met there : And shewing them, that the assemblies at Edinburgh shall, in their name, receive and re-

turn answers, for promoting so great a work.—*Sess. 11. Aug. 5. Ass. 1642.*

III. Another letter from some ministers in England to assembly 1643, craving the help of their prayers in their present public danger from a popish and prelatical party, and their advice in what remains to be done further by them, for making their own and their kingdom's peace with God, and what may be the happiest course for uniting the protestant party among them more firmly against Antichrist.—*Sess. 8. Aug. 10. Ass. 1643:* And the assembly's answer to the letter of these ministers, comforting them in their sad calamities, and encouraging them to go on in the Lord's work, and to enter with this kirk into a perpetual covenant with the Lord, for themselves and their posterity.—*Sess. ult. Aug. 19. Ass. 1643.*

IV. Letter from the assembly of divines in England to the general assembly 1643, thanking them for their zealous assistance and concurrence in furthering the work of reformation.—*Sess. 14. Aug. 17. Ass. 1643:* And the assembly's answer to that letter of the assembly of divines in England, shewing their affection to them, and sympathy with them in the work of the Lord, and that they had approven of the draught of the solemn league and covenant betwixt the kingdoms, and had commissioned some brethren to treat with them of the common affairs of religion and safety.—*Sess. ult. Aug. 19. Ass. 1643.*

V. Letter from the presbytery with the army in England, to general assembly 1644, giving them an account of the state of their affairs, and entreating them to stir up the people to prayer and humiliation, that God would preserve peace and truth at home, and make the people of England fit to embrace the intended reformation. *Sess. 2. May ult. Ass. 1644.* And the assembly's answer thereto, shewing that they had set down an order to be kept thereafter, in sending ministers to the army, which they had sent with their answers.—*Sess. 6. June 3. Ass. 1644.*

VI. Letter from the synod of divines in the kirk of Eng-

land, to the general assembly 1644, to the same purpose with the letter from the commissioners at London ^a.—*Sess. 7. June 4. Ass. 1644*; and the assembly's answer thereto. *Ibid.*

VII. Letter from the synod of divines in the kirk of England, to the general assembly, giving an account of the advance made in the work of reformation there, and the method of their procedure therein; and transmitting the directory for worship.—*Sess. 2. Jan. 23. Ass. 1645*: And the assembly's answer thereto, shewing their having approved the directory for worship, and the propositions for kirk government, and ordination of ministers; and renewing their commission to their commissioners at London.—*Sess. ult. Feb. 13. Ass. 1645.*

VIII. Letter from the general assembly to the divines of the kirk of England assembled at Westminster, exhorting them to continue their diligence in advancing unity in religion, and suppressing the growth of sects and sectaries.—*Sess. ult. June 18. Ass. 1746.*

IX. A letter from the synod of divines in England, to the general assembly, regretting the hindrances the work of reformation had met with in both kingdoms; and commending the zeal, constancy, and orthodoxy of the church of Scotland.—*Sess. 1 July 12. Ass. 1648*: And the assembly's answer to the foresaid letter, shewing the church of Scotland's firmness to their principles and solemn league; and particularly, giving a testimony against the then unlawful engagement in war; blessing God for their unity and soundness in the faith; and entreating them to give a public testimony for Christ, both against sectaries and malignants, and seasonably to warn the houses of parliament, to promote the work of reformation and uniformity according to the covenant, and gravely to warn their dissenting brethren, what a door they open to sectarianism, by their tenet of independency; and they persuade themselves that the well-affected in England will agree or hearken to no motion of any such treaty of

^a *Supra*, III. 2.

peace, as leaves out the best security of religion, and the cause of God, and the solemn league and covenant.—*Sess. 24. Aug. 2. Ass. 1648.*

VI.

Letter to the kirks in Holland.

A letter from the general assembly to the kirks in the Netherlands (written in Latin) thanking them for the assistance given to the work of reformation in this kingdom, and for the supply sent to the distressed Christians in the North of Ireland; entreating them, in their name, to thank the states and the people for their bounty in that respect; and thanking the kirks there for the warning given to the reformed churches, of their danger from impostors that had arisen, falsely assuming the name of Jesus, and other servants of Antichrist; is recorded in—*Sess. 7. June 4. Ass. 1644.*

VII.

Letters from our sovereigns to the Assemblies, and the Assemblies Answers.

I. Letter from King Charles I. to the general assembly; wherein he promises to ratify in parliament the constitutions of the assembly 1639; is recorded in *Sess. 1. July 20*; and the assembly's answer thereto, in *Sess. 18. Aug. 9. Ass. 1641.*

II. Another letter from King Charles I. to the assembly, in *Sess. 1 July 27. Ass. 1642.*

III. Another letter from him to general assembly 1643, in *Sess. 1. Aug. 2.* And the assembly's answer thereto, giving his Majesty a short hint of their proceedings in the public affairs of religion, in *Sess. ult. Aug. 19.* of that assembly.

IV. Another from his Majesty to the general assembly, declaring his real resolutions to comply with the desires of his parliaments in both kingdoms, and those entrusted by them, for the settling of truth and peace in all his dominions; and to maintain religion there, as established in doctrine, worship, and church government; to endeavour the settling of peace

in Scotland; and the reformation of religion and peace in England and Ireland, recorded in *Sess. 2. June 4, 1646*: And the assembly's answer thereto, in *Sess. ult. June 18. Ass. 1646*.

V. A letter from the assembly to king Charles II. declaring their duty and loyalty to his Majesty; and that they did, from their hearts, abominate and detest that horrid act of the sectaries against the life of his royal father; and that it was the unfeigned and earnest desire of their souls, that the ancient monarchical government of these kingdoms might be established and flourish in his Majesty's person and family; and that there is nothing, under the glory of God and cause of the Lord Jesus Christ, for which they did more heartily solicit the throne of Grace, or for which they would more readily expose to hazard all that is dear to them in the world, than for this: They warn him of the evil of the ways and courses he is led into by evil counsels: particularly his cleaving to, and entertaining such men as his trustiest counsellors, who have not the glory of God, nor good of his people before their eyes; but seek their own interests only, to the hazard and utter subversion of his throne, the ruin of his royal family, and the desolation of his kingdoms; his settling a late peace with the Irish Papists, contrary to the laws of God and of the kingdoms; and of the danger of these ways: They exhort him to repentance, and that he would sincerely and cordially contribute his royal allowance and authority, for establishing in all his dominions the reformation of religion in doctrine, worship, and government, and would conform his own practice and the worship of God in his royal family, to that gospel simplicity and purity, which is held forth in the word of God and directory for worship; and would grant not only his royal approbation of the covenants, but that also himself would join with his people therein, and cause all of them stand to it by his royal-command; is recorded in *Sess. ult. Aug. 6. Ass. 1649*.

VI. Letter from his Majesty King William to the general

assembly, shewing the motives of his countenancing that assembly; and recommending to them calmness and unanimity in their proceedings; and the assembly's answer thereto, thankfully acknowledging the goodness of God, and his Majesty's kindness as an instrument, in relieving the church and kingdom from its late confusions, and re-establishing the same, and countenancing that assembly; and shewing their resolutions to a calm and peaceable procedure; and professing their duty and loyalty to their Majesties; are recorded in *Acts 2. and 3. Ass. 1690.*

VII. The assembly's letter to his Majesty at the closing of the same assembly, giving him an account of their proceedings, is recorded in *Act 14. Ass. 1690.*

VIII. A letter from the general assembly to King William, acknowledging his Majesty's kindness to this church; professing their loyalty to their Majesties, declaring their resolutions faithfully to endeavour, amidst all their difficulties and discouragements, the healing, composure, and peace of this church, the furthering of their Majesties' service in their station, as the Lord should enable them.—*Act 3. Ass. 1694.*

IX. Another letter from the general assembly to King William, blessing God for his Majesty's government, and the preservation of his person; thanking him for his royal favours to the church; entreating the continuance thereof, and that he would command the vigorous execution of the laws against ungodliness and unrighteousness: They profess their loyalty, and pray for his prosperity.—*Act 24. Ass. 1696.*

X. Another letter from King William to the assembly, recommending dispatch and moderation; the restraining of vice, planting of vacant churches, and giving assurance of his resolution to maintain Presbyterian government; and the assembly's answer thereto; promising the prosecution of what is therein recommended, and begging the rigorous execution of the laws against profanity; are recorded in *Act 4. Ass. 1697.*

XI. Another letter from the King to the assembly, to the

same effect with the former; and, further, recommending the assumption of the episcopal ministers, whose lives and doctrine render them useful to the church; and the assembly's answer thereto, are recorded in *Acts 2, 3. Ass. 1698.*

XII. Another letter from the King, and the assembly's answer thereto, are in *Acts 2, 3. Ass. 1699.*

XIII. Another from the King, to the same effect with the former, and the assembly's answer, are recorded in *Acts 2, 3. Ass. 1700.*

XIV. Another from his Majesty, Act 2. to the same effect; and the assembly's answer, acknowledging, as a signal proof of his Majesty's tender care and concern for this church, his giving the royal assent, in the last session of parliament, to the acts therein made, for ratifying, and further confirming the confession of faith, and the present established presbyterian government of this church, for the more effectual preventing of the growth of Popery, and suppressing profaneness and immorality; and shewing, that the last assembly had sent a commission to the islands of Orkney and Zetland, for planting churches and advancing the knowledge of God among the people, who had in a good measure executed the same.—*Act 3. Ass. 1701.*

XV. Another from the King, Act 2.; and the assembly's answer, of the same contents with the former; only the assembly take notice of the account they had of his Majesty's indisposition; and pray for his preservation.—*Act 6. Ass. 1702.*

XVI. A letter from her Majesty Queen Anne, to the same effect with King William's; and containing also an assurance of protecting the presbyterian government; and the assembly's answer thereto, congratulating her Majesty's accession to the throne, are recorded in *Acts 2, 3. Ass. 1703.*

XVII. Another letter from her Majesty in Act 2.; and the assembly's answer thereto; thanking her Majesty for giving her royal assent, in the last session of parliament 1703, to the act for ratifying the Protestant religion, and presbyterian

government of this church; and for her late gracious and seasonable letter to her council, ordering the redress of grievances.—*Act 3. Ass. 1704.*

XVIII. Another from the Queen, *Act 2.*; and the assembly's answer thereto, of the same purpose with the former.—*Act 3. Ass. 1705.*

XIX. Another from her Majesty, with the assembly's return thereto, are recorded in *Act 2, 3. Ass. 1706.*

XX. Queen Anne's letter to the assembly; and the assembly's return thereto, of the same strain with former letters, are in *Acts 2, 3. Ass. 1707.*

XXI. Another letter from the Queen to the assembly, acknowledging her satisfaction with the zeal and affection that the ministers of this church, shewed to her person and government, upon the appearance of an invasion by her enemies; and the assembly's answer thereto.—*Acts 2, 3. Ass. 1708.*

XXII. XXIII. XXIV. XXV. XXVI. XXVII. The Queen's letters to assemblies 1709, 1710, 1711, 1712, 1713, 1714; and the assembly's answers thereto, are all recorded in *Acts 2, 3.* of these assemblies.

XXVIII. King George I.'s letter to the assembly, wherein he promises to maintain the presbyterian church of Scotland, her rights and privileges, as he had engaged to do upon his accession to the crown^a, and to protect her from any illegal insults and encroachments being made upon her, of what kind soever; is recorded in *Act 2.*; and the assembly's answer thereto; wherein they thank God for his peaceable accession to the throne; they declare their full acquiescence in the above mentioned solemn engagement which his Majesty has come under, and their firm resolution to testify, by all proper methods, their zeal for, and affection to his Majesty, and the protestant succession in his royal family, is recorded in *Act 3. Ass. 1715.*

XXIX. The king's letter to the assembly; wherein he

^a Oaths, 6.

thanks them for their steady loyalty during the late rebellion ; and assures them again of his unalterable resolution to maintain the church of Scotland, in the full enjoyment of all her just rights and privileges, Act 2 ; and the assembly's dutiful return thereto.—*Act 3. Ass. 1716.*

XXX. The King's letter to the assembly ; wherein he declares his satisfaction with the constant zeal and affection of the church of Scotland to his person and government, which neither the force and violence of his open enemies nor the artful contrivances of factions and ill-designing men, have been able to alter ; and he assures them of his firm resolution to promote the interest, and inviolably to maintain the rights and privileges of the Presbyterian church of Scotland, Act 2 ; and the assembly's dutiful answer in *Act 3. Ass. 1717.*

XXXI.—XXXVII. The King's letters to the assembly from 1718 to 1724 inclusive ; and the assembly's answers, are recorded in *Acts 2. and 3. of these assemblies.*

XXXVIII. The King in his letter to the assembly, intimates that the commissioner had instructions to signify steps taken to put some stop to the spreading of ignorance and profaneness, and the trafficking of Popish priests, emissaries in the Highlands and Islands of Scotland ; and the assembly return their dutiful thanks for the bounty of L. 1000 for the encouragement of preachers, where ignorance abounds.—*Acts 2. 3. Ass. 1725.*

XXXIX. XL. The King's letters, and the assembly's answer are contained in *Acts 2. 3. Ass. 1726. 1727.*

XLI. King George II.'s first letter to the assembly ; declaring his purpose of maintaining and supporting the Presbyterian church of Scotland in the full enjoyment of her rights and privileges, as by law established, and the assembly's answer, are in *Acts 2. 3. Ass. 1728.*

XLII.—LVI. The King's letters, and the assemblies answers are recorded in *Acts 2. 3. of assemblies, from the year 1729. to 1743.*

LVII. The King's letter ; and the assembly's answer humbly

thanking his Majesty for the countenance he gave to the last assembly's scheme for provision to the widows and orphans of ministers in Scotland.—*Acts 2. 3. Ass. 1744.*

LVIII. The King's letter, and the assembly's answer are recorded in *Acts 2. 3. Ass. 1745.*

LIX. His Majesty's letter to the assembly, containing his thanks for their zeal and attachment during the rebellion, and trusting that they will continue to give proofs of their loyalty and affection, by exciting the people under their charge to a due sense of the blessings they enjoy under his government, and to a just abhorrence of the pernicious designs of those who have endeavoured to overturn our religion, and our constitution, and to introduce Popery and arbitrary power; and the assembly returns a dutiful answer.—*Acts 2. 3. Ass. 1746.*

LX.—LXXIII. The King's letters, and assembly's answers are contained, in *Acts 2. 3.* of assemblies from the year 1747 to 1760.

LXXIV. King George III.'s first letter to the assembly; wherein he promises to maintain and support the Presbyterian church of Scotland, in all her rights and privileges, and protect her from all insult and incroachment; and the assembly returns an affectionate and dutiful answer.—*Acts 2. 3. Ass. 1761.*

LXXV.—CX. The King's letters, and assembly's answers in *Acts 2. 3. Ass. 1762.—1797.*

CXI. The King's letter recommends to the assembly to persevere in their attention to the advancement of religion; the preservation of sound doctrine, and the checking of loose notions both in faith and morality, which disgrace the times, and which unless timely counteracted, must destroy all good principles in the hearts of men, dissolve the bands of society, and provoke the displeasure of God: The assembly returns a dutiful answer.—*Acts 2. 3. Ass. 1798.*

CXII.—CXXII. The King's letters, and the assembly's answers, are contained in *Acts 2. 3. Ass. 1799—1810.*

CXXIII.—CXXXIII. The Prince Regent's letters, and the assembly's answers, are contained in *Acts 2, 3. Ass. 1811—1819.*

CXXXIV. A letter from his Majesty George IV. declaring his satisfaction at having an opportunity of addressing the assembly for the first time since his accession to the throne, expressing his sincere reliance on their loyalty and attachment to his person and government, exemplified, even in a vicarious character, alluding generally to the recent occurrences of the country, and recommending to the clergy of Scotland to inculcate on their flocks, at once a respect for the laws of God, and the temporal institutions of man.—*Act 2.* The assembly answered, that they would, to the utmost of their power, endeavour to inculcate on their flocks, a due subordination to all in authority; that they would repel every inroad of irreligion and infidelity; that they deplored the fatal effects of these unhappy tenets, recently so fearfully exemplified; and that, in all respects, they would endeavour to prove themselves loyal and dutiful subjects; concluding with an earnest prayer for the blessing of heaven on the King's person and government.—*Act 3. Ass. 1820.*

VIII.

Letter to the Duke of Cumberland.

The Assembly, in a letter, present their humble and thankful acknowledgements to his Royal Highness the Duke of Cumberland for his generous resolution in coming to be, under Providence, the deliverer of the church and nation of Scotland from the miseries of the late unnatural rebellion.—*Act 6. Ass. 1746.* The Duke returned the assembly a suitable answer.

IX.

Letter to the Parliament of England.

A letter from the general assembly to the parliament of England, blessing God for the progress they had made in set-

ling uniformity in religion; and entreating them to establish all the ordinances of Jesus Christ in the full integrity and power thereof, according to the solemn league and covenant, professing their desire to hold fast the bonds of that covenant as sacred and inviolable, and promising to themselves the same from that parliament, is recorded in *Sess. ult. June 18. Ass. 1646.*

X.

Letter to the City of London.

A letter from the assembly, to the mayor, aldermen, and common council of the city of London, commending their zeal for the common cause of religion, and encouraging them to steadfastness therein.—*Sess. ult. June 18. Ass. 1646.*

LIBRARIES*.

I. The assembly declares their approbation of the design and project set on foot, by some piously inclined persons, in this and the neighbouring nation of England, for erecting libraries in the Highlands of this kingdom, in which good advances have been made; and appoints a letter of thanks to be written to the society in England, for propagating Christian knowledge, and to others who have given their concurrence and assistance in this matter; and impowers their commission to apply to the Lords of his Majesty's privy council, or treasury, for their assistance, in order to bring down the said books from England, and transmit the same to the places underwritten, at which they are to be fixed in this kingdom; to give their best advice and assistance for making this project effectual; and to use their endeavours for getting a new impression of the bible in Irish; and renews the recommendation contained in Act 16. Ass. 1699^a, to the synod of Argyle, for translating the confession of faith, and, larger catechism in the Irish language, with a vocabulary of the most necessary and usual terms in divinity. And likewise renews the 20 Act of Ass.

* See Highlands, 24. § 3. 4. 5.

^a Highlands, 24.

1694^b, concerning the use of the Irish psalms and shorter catechism.—*Act 17. Ass. 1704.*

II. Act dividing the whole libraries for the Highlands, both presbyterial and parochial, as follows, viz. The presbyterial libraries (whereof there are nineteen in all) thus, To the presbytery of Zetland one, Orkney one, Caithness one, Sutherland one, Ross three, Inverness one, Aberlour one, Abernethy one, Strathbogie and Fordice one, Dunkeld one, Argyle five, Dunbarton one; the odd presbytery library is bestowed on the synod of Argyle, with a special respect to the remote and large Islands, such as Lewis, and that in place of the distribution made by the former Act 17. Ass. 1704. The parochial libraries, being in number fifty-eight, are distributed as follows, viz. To Zetland two, Orkney three, Caithness two, Sutherland two, Ross four, Inverness three, Aberlour two, Abernethy one, Alford one, Kincardine two, in the bounds of the synod of Angus and Mearns three, in the presbytery of Dunkeld four, Auchterarder two, Dumblain two, Dunbarton two, and for the bounds of the synod of Argyle twenty-three; and these parochial libraries are appointed to be fixed at such places, as the respective synods and presbyteries find most convenient; and a committee is appointed for managing the said libraries in the manner mentioned in the act; and for digesting in order some presses of books not methodised and sorted (which are besides the 77 libraries) and distributing them to such places as have most need, with a special regard to the remote Isles.—*Act 12. Ass. 1705.*

III. There are several instructions given to the commission, and particularly, to require an account from the committee of assembly 1705, for managing the said libraries, how they have distributed the same, and from the agent, how he has obeyed, the orders of that committee, anent sending the libraries and Irish Bibles to the respective places appointed for them, and to call for an account from the respective presbyteries, of the receipt of their proportions of these bibles and libraries, and

^b Psalms; 4.

how they have disposed of them, according to the order of assembly 1705, and their committee; and presbyteries are appointed to send these accounts to the commission or committee to be appointed by them for this affair; and that these accounts be sent in writing, subscribed by the moderator and clerk of the presbytery; and the commission is ordained to take care, that these accounts be recorded in a particular register for that purpose; and 'tis recommended to the commission, or their committee, to distribute eleven boxes lately come down from England, and any libraries or books that shall be sent down betwixt and the next assembly, to such places of this church and nation as have most need, and may best answer the design of the donors; and that commission is also instructed, to inquire into the state of the Highlands and Islands, how they are planted with ministers, and of the remaining paganish customs among them, and of the increase of Popery, and how they are provided with schools; what places most need help in these matters, and what encouragement these may expect, who incline to enter into a society for erecting and maintaining charity schools, for educating poor and indigent children; and all synods and presbyteries concerned in the Highlands and Islands, to send their accounts thereof to the commission, who are to prepare overtures thereanent.—*Act 18. Ass. 1706.*

IV. 'Tis recommended to such presbyteries as had not received any of the books sent from England, for making up public libraries, to contribute amongst themselves, in order to lay a foundation for a library in each presbytery seat; and also to endeavour to procure collections in their several parishes, less or more, for that end; and 'tis referred to the commission, to forward the above recommendation; and presbyteries who have got a share of these libraries, are desired to send accounts to the commission of their receipt of them, where they are fixed, how they have observed the rules sent with them, and what improvements they are making of them, and other things relating to these libraries enjoined on

them by acts of former assemblies, and their commissions.—
Act 11. Ass. 1709.

LORD'S DAY *.

I. An overture for preventing the profanation of the Lord's day, occasioned by the holding of markets within burghs on Mondays and Saturdays, by recommending to the burghs, to take care for restraining this abuse, and to find out some way for repressing this evil, and changing the day, is referred to the consideration of burghs, by *Sess. 23, 24. Dec. 17, 18. Ass. 1638. Art. 14.*

II. For preventing the profanation of the Sabbath in landward, especially for want of divine sermon in the afternoon, the act of assembly held at Dundee, July 12, 1580. *Sess. 10,* for keeping both diets, is ordered to be put in execution.—
Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. Art. 15.

III. The execution of the old acts of assemblies against the breaking of the Sabbath-day, by the going of mills, salt-pans, salmon fishing, or such like labour, is recommended to the several presbyteries. And the act of assembly held at Holyroodhouse, 1602, *Sess. 5.* discharging all such labour of fishing, as well white fish as salmon, and going of mills of all sorts upon the Lord's day, under the pain of incurring the censures of the kirk; and ordaining the commissioners of that assembly to mean the same to his Majesty, and to desire, that a pecunial pain might be enjoined upon the contraveners of the said act; is revived and renewed, and the tenor thereof subjoined.—*Sess. 23. 24. Dec. 17. 18. Ass. 1638,* and *Act Sess. 21. Aug. 29. Ass. 1639.*

IV. All acts made against salmon-fishing, or any other labour on the Lord's day, declared not only to be against servants who actually work, but also against masters, whose hired servants they are.—*Act Sess. 11. Aug. 14. Ass. 1643.*

V. All skippers and sailors discharged and inhibited to begin any voyage on the Lord's day, or to loose any ships,

* See Papists, 6.

barks, or boats out of harbours or roads, upon that day, and who shall do in the contrary thereof, shall be censured as profaners of the Sabbath; and 'tis recommended to presbyteries and others whom it may concern, to see that both the acts of assembly and parliament made for censuring and punishing profanation of the Lord's day, be put in execution against them.—*Act Sess. ult. June 18. Ass. 1646.*

VI. 'Tis recommended to kirk-sessions and presbyteries, carefully to put in execution the acts of former general assemblies against the profanation of the Lord's day; and particularly by unnecessary sailing and travelling.—*Act 7. Ass. 1690. § 4.*

VII. Application appointed to be made to the parliament, for altering all markets in royal burghs and other places, on Saturdays and Mondays.—*Act 7. Ass. 1690. § 5.*

VIII. All the brethren of the ministry, and other officers of the church are, in the fear of God earnestly exhorted to contribute their utmost endeavours, in their stations, for suppressing the gross profanation of the Lord's day, by idle vaguing, unnecessary travelling, and otherwise, by a vigorous and impartial, yet prudent exercise of the discipline of the church, and by holding hand to the execution of the laudable laws of the nation, against the guilty, in such way and manner as is allowed and required by law; and 'tis recommended to the commission to address the Lords of privy-council, to give such orders, and to take such courses for restraining these abuses, as they in their wisdom shall judge most effectual.—*Act 9. Ass. 1705.*

IX. Each presbytery within this church is appointed to nominate two or three of their number, to attend the lords commissioners of justiciary, at their first circuit that falls to be in their bounds, and represent to them the profanation of the Lord's day, by travelling thereupon, carrying goods, driving cattle, and other abuses: And the assembly seriously recommends to the said lords, to take such effectual courses, as in their wisdom they shall think fit, to restrain and punish the

foresaid abuses, which will be a singular service done to God and his church; and all ministers are enjoined, from their pulpits, to advise their people, among whom such practices are, of the great hazard their immortal souls are in by such courses; and that, if they continue therein, there will be a necessity to represent to the lords justices, all transgressors of the laws made against profaning the Sabbath, and to warn them to abstain therefrom in time coming; and all ministers and church judicatures are enjoined to take care, that former acts of assembly made against breach of the Lord's day, may be observed, and not only to proceed with ecclesiastical censures, but apply to the justices of the peace in their bounds, and other magistrates, to put in execution the good laws already made against the breach of the Sabbath, and other immoralities.—*Act 12. Ass. 1708.*

LORD'S SUPPER*.

I. An overture for renewing Act 25. Dec. 1562. Sess. 5. touching the more frequent administration of the Lord's supper, both in cities and landward; and that some course be taken for furnishing the elements, where the minister of the parish hath allowance only for once a-year, is referred to the consideration of presbyteries; and 'tis declared, that the charges be rather paid out of that day's collection, than that the congregation want the more frequent use of the sacrament.—*Sess. 23. 24. Dec. 17. 18. Ass. 1638. Art. 12.*

II. 'Tis ordained, 1. That in the administration of the Lord's supper, congregations be still tried and examined before the communion, according to the by-gone practice of the kirk. 2. That there be no reading in time of communicating; but the minister making a short exhortation at every table, that thereafter there be silence during the time of the communicants receiving, excepting only when the minister

* See Evils of the Kirk, 2. Scandals, 6. Profaneness, 2. 3. § 5. Unity in Religion, 7.

expresseth some few short sentences, suitable to the present condition of the communicants in the receiving, that they may be incited and quickened in their meditations in the action.

3. That distribution of the elements among the communicants may be universally used; and for that effect, that the bread be so prepared, that the communicants may divide it amongst themselves, after the minister hath broken and delivered it to the nearest.

4. That while the tables are dissolving and filling, there be always singing of some portion of a psalm, according to the custom.

5. That the communicants, both before their going to, and after coming from the table, shall only join themselves to the present public exercise then in hand.

6. That when the communion is to be celebrated in a parish, one minister may be employed for assisting the minister of the parish, or at the most two.

7. That there be one sermon of preparation delivered in the ordinary place of public worship, upon the day immediately preceding.

8. That before the serving of the tables, there be only one sermon delivered to those who are to communicate, and that in the kirk where the service is to be performed; and that in the same kirk, there be one sermon of thanksgiving after the communion is ended.

9. When the parishoners are so numerous, that their parish kirk cannot contain them, so that there is a necessity to keep out such of the parish as cannot conveniently have place, that in that case, the brother who assists the minister of the parish, may be ready, if need be, to give a word of exhortation, in some convenient place appointed for the purpose, to those of the parish who that day are not to communicate, which must not be begun until the sermon delivered in the kirk be concluded.

10. That of these who are present in the kirk where the communion is celebrated, none be permitted to go forth while the whole tables be served, and the blessing pronounced, unless it be for more commodious order, and other cases of necessity.

11. That the minister who cometh to assist, have a special care to provide his own parish, lest otherwise while he is about to minister comfort to

others, his own flock be left destitute of preaching. 12. That none coming from another parish shall be admitted to the communion without a testimonial from their own minister; and no minister shall refuse a testimonial to any of his parish who communicate ordinarily at their own parish kirk, and are without scandal in their life for the time; but this is no ways to prejudge any honest person who occasionally is in the place where the communion is celebrated, or such as by the death or absence of their own minister, could not have a testimonial.—*Act Sess. 14. Feb. 7. Ass. 1645. Art. 3.*

III. The administration of the Lord's supper to sick persons in their houses, and all other use of the same, except in the public assemblies of the church; and also the administration of baptism in private, that is, in any place, or at any time when the congregation is not orderly called together, to wait on the dispensing of the word, are discharged: And the said act is appointed carefully to be observed, when and wherever the Lord giveth his people peace, liberty, and opportunity for their public assemblies. And 'tis appointed to be publicly intimated in all the churches.—*Act 10. Ass. 1690.*

IV. 'Tis recommended to presbyteries to take care, that the sacrament of the Lord's supper be more frequently administered within their bounds, and that the number of ministers to serve thereat be restricted, so that neighbouring churches be not thereby cast desolate on the Lord's day.—*Act 19. Ass. 1701.*

V. 'Tis recommended to the several ministers within this national church, to take as strict a trial as can be of such as they admit to the Lord's supper, especially, before their first admission thereto; and that they diligently instruct them, particularly as to the covenant of grace, and the nature and end of that ordinance, as a seal thereof; and charge upon their consciences the obligations they lie under from their baptismal covenant, and seriously exhort them to renew the same.—*Act 11. Ass. 1706.*

VI. 'Tis recommended to presbyteries to do what they can

to get it so ordered, that the sacrament of the Lord's supper be duly observed in their bounds through the several months in the year.—*Act 6. Ass. 1711.*

VII. All presbyteries are enjoined to enquire, if the acts appointing the frequent celebration of the Lord's supper be duly observed by all the brethren, and in case any minister neglect to celebrate the sacrament of the Lord's supper in his parish for a whole year, the presbytery is to call for an account of the reasons of his omission, and to approve or disapprove of the same as they shall see cause, and to record their diligence in this matter; and synods are enjoined at their several meetings to enquire at presbyteries what care they have taken to execute the said acts, and other recommendations of assemblies in this behalf, and to record their diligence in their books.—*Act 11. Ass. 1712.*

VIII. Act 6. Ass. 1711^a. revived and renewed. And presbyteries and kirk sessions are enjoined to endeavour to reform disorders that sometimes take place at the celebration of the Lord's supper: And for this end presbyteries are to take care that neighbouring congregations be supplied with sermon on the Lord's day upon which the sacrament is to be dispensed in a place; and that ministers on the preparation day, give public warning, that such as are guilty of disorder, shall be censured according to the degree of the offence; and presbyteries are appointed, at their privy censures, to enquire at the several members respecting the observation of the fore-said acts, and to record their diligence in this matter: And synods are enjoined to see the punctual observation of these acts; and particularly, at their privy censures, to call their respective presbyteries to answer with regard to their observance of what is here enjoined; and to record their diligence in their books.—*Act 6. Ass. 1724.*

IX. 'Tis enjoined, That the Act of the 7 Feb. 1645^b. be strictly observed; and 'tis left to the several judicatories of the

^a Supra, 6. ^b Supra, 2.

church to give directions in cases of this nature as they occur.—*Act 8. Ass. 1727.*

X. Act 11. Ass. 1712^a, is renewed; and 'tis appointed, That every presbytery at their privy censures before the winter synod, enquire at each of their brethren, whether they have administered the sacrament of the Lord's supper, once at least, the preceding year, and in case any of them have not done it, their excuses, and what the presbytery has done in approbation or disapprobation thereof, are to be marked in their minutes, and reported in writing to the synod; and if a member is absent from the diet for privy censures, he shall send up his excuse in writing either to that diet, or to the next synod; and in the event of brethren's failing in both these injunctions, 'tis appointed, That the presbytery in the first meeting after the synod shall call such to an account, and report to next synod, that they may do in it as they shall see cause.—*Act. 7. Ass. 1751.*

MARRIAGE*.

I. Marriage, without proclamation of banns, discharged conform to the former acts, except the presbytery, in some necessary exigents, dispense therewith.—*Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. Art. 21.*

II. An overture, that course may be taken for restraining of people from passing into England to marry, as being the occasion of great inconveniences, is allowed; and recommended to the parliament, that they would appoint a pecunial sum to be paid by the contraveners.—*Act Sess. 22. Aug. 29. Ass. 1639. Art. 2.*

III. The celebration of marriage, without due proclamation of banns, according to order, three several Sabbaths in the respective parishes, is discharged; and 'tis recommended to presbyteries, to censure the contraveners.—*Act 7. Ass. 1690. § 3.*

^a *Supra*, 7.

* See Remedies Domestic of Sins, 3. Schism, 5.

IV. 'Tis declared, that, before any proclamations be made, the names and designations of the persons to be married and their parents, tutors and curators, if they have any, be given up to the minister of the bounds in which any of them live and reside, that thereby it may be known, if their parents and friends give consent thereto; and that the minister, being satisfied herein, order the proclamation to be made three several Sabbaths; which, when made, shall be immediately before divine worship begin in the forenoon; and the persons to be proclaimed, their names and full designations, by which they are designed in writ, and the contracts of marriage, be fully and audibly expressed; and that, where there are more churches collegiated in the place or town, the proclamation be made in all and every one of the churches within the city or town, where they or any of the persons to be married reside; and this to be attested to the minister that marries them; with certification of the censures of the church against the transgressors herein—*Act 5. Ass. 1690.*

V. 'Tis appointed, That the acts of assembly concerning proclamation of banns be duly observed; and that enquiry be made, that the persons desiring marriage be not within the forbidden degrees, and be single and free persons; and that all concerned do consent.—*Act 5. Ass. 1711.*

VI. 'Tis resolved, That no session-clerk in this church, proclaim any persons in order to marriage, until he give intimation to the minister of the parish in a writing, dated and subscribed by him, of the names, designations, and places of residence of the parties to be proclaimed; and obtain the said minister's leave to make the said proclamation, with certification, that if any certificate of proclamation of banns be given, without observing the above order, the said certificate shall be held as a false certificate; and the session-clerk who subscribes it, shall be censured accordingly: And in case of a vacancy, the above intimation is to be made to two of the elders of the parish. This resolution appointed to be sent to presbyteries,

to be by them transmitted to sessions in order to its being observed.—*Act 8. Ass. 1784.*

MINISTERS*.

I. The act of the assembly held at Edinburgh March 26. 1596, anent the entry and conversation of ministers, ratified, and ordained to be put in execution in every presbytery; and for that end, copies thereof are ordered to be given to each presbytery, under the clerk's hands, the substance whereof is as follows:—First to prevent

Corruptions in the office of the ministry, 'tis ordained, That in time coming more diligent inquisition and trial be made of all such persons as shall enter into the ministry; as especially in these points, 1. That the intrant shall be posed upon his conscience before the great God, and that in the most grave manner, what moveth him to accept of the office and charge of the ministry upon him. 2. That it be enquired, if any, by solicitation or moyen, directly or indirectly, press to enter into the said office; and if it be found, that the solicitor be repelled; and that the presbyteries repel all such of their number from voting in the election or admission as shall be found moyeners for the solicitor, and posed upon their conscience to declare the truth to that effect. 3. 'Tis ordained, that none seek presentations to benefices, without the advice of the presbytery within the bounds whereof the benefice is; and if any do in the contrary, that they be repelled, as *rei ambitus*. 4. That the trial of persons to be admitted to the ministry thereafter, consist not only in their learning and ability to preach, but also in conscience and feeling, and spiritual wisdom; and namely in the knowledge of the bounds of their calling, in doctrine, discipline, and wisdom to behave themselves accordingly with the divers ranks of persons within their flocks: as

* See Presbyteries, 5. Probationers. Letters, 1. Worship Secret. Worship Public. Excommunication, 3. Calls, 2. 4. Ordination of Ministers. Confession of Faith, 7. 8. 9. Vagrant Ministers. Highlands. Probationers. Widows. Papists, 9. § 3. 4. 12. 13. 14. 15. 18. 19.

namely, with atheists, rebellious, weak consciences, and such other where the pastoral charge is most kythed; and that they be meet to stop the mouths of the adversaries; and such as are not qualified in these points be delayed till further trial, and they be found qualified: And 'tis recommended, that the principal places of the realm be provided by them of most worthy gifts, wisdom, and experience; and that none take the charge of greater numbers of people than they are able to discharge; and an act of the provincial synod of Lothian, made to this purpose, is approven. 5. That such as shall be found not given to their book and study of the Scriptures, nor careful to have books, nor given to sanctification and prayer; that study not to be powerful and spiritual, not applying the doctrine to corruptions, which is the pastoral gift; obscure and too scholastic before the people; cold, and wanting of spiritual zeal; negligent in visiting the sick, and caring for the poor; or indiscreet in chusing parts of the word not meetest for the flock; flatterers and dissembling at public sins, and especially of great personages in their congregation, for flattery, or for fear;—that all such persons be censured, according to the degree of their faults; and continuing therein, be deprived. 6. That such as are slothful in the administration of the sacraments, and irreverent, or profaners, receiving the clean and the unclean, ignorants and senseless profane, and making no conscience of their profession in their calling and families; omitting due trial, or using none, or light trial; having respect, in their trial, to persons wherein there is manifest corruption;—that all such be sharply rebuked; and if they continue therein, that they be deposed. 7. If any be found a seller of the sacraments, that he be deposed *simpliciter*; and such as collude with slanderous persons, in dispensing and overseeing them for money, incur the like punishment. 8. That every minister be charged to have a session established, of the meetest men in his congregation; and that discipline strike not only upon gross sins, as whoredom and bloodshed; but upon sins repugnant to the word of God, as blasphemy of God, banning, profaning of the

Sabbath, disobedient to parents, idle and unruly ones without calling, drunkards, and suchlike debauched men, as make not conscience of their life, and the ruling of their families, and especially, of education of their children; lying, slandering, and backbiting, and breaking of promises; and this to be an universal order throughout the realm: And suchlike as are negligent herein, and continue therein after admonition, be deposed. 9. That none, falling in public slanders, be received in public fellowship with the kirk, except his minister have some appearance, and warrant in conscience, that he hath both a feeling of sin, and apprehension of mercy; and for this effect, that ministers travail with him, by doctrine and private instruction, to bring him thereto; and especially in the doctrine of repentance, which being neglected, the public place of repentance is turned into a mocking. 10. Delapidation of benefices, demitting of them for favour or money, that they become laick patronages, without advice of the kirk; and sicklike, interchanging of benefices by transaction, and transporting of themselves, by that occasion, without the knowledge of the kirk; precisely to be punished: Suchlike, that setting of tacks, without advice of the assembly, be punished according to the acts; and that the demitters in favours for money, or otherwise, to the effect above written, be punished as the delapidators.—Secondly, to prevent

Corruptions in the persons and lives of ministers, 'tis ordained, 1. That such as are light and wanton in their behaviour; as, in gorgeous and light apparel, in speech, in using light and profane company, unlawful gaming, as dancing, carding, dicing, and suchlike, not beseeing the gravity of a pastor, be sharply and gravely rebuked by the presbytery, according to the degree thereof, and continuing therein after due admonition, that he be deprived, as slanderous to the gospel. 2. That ministers, being found swearers or banners, profaners of the Sabbath, drunkards, fighters, guilty of all these, or any of them, be deposed *simpliciter*: And suchlike, liars, detractors, flatterers, breakers of promise, brawlers and quarrelers,

after admonition, continuing therein, incur the same punishment. 3. That ministers, given to unlawful and incompetent trades and occupations, for filthy gain, as holding of hostlaries, taking of ocker beside conscience and good laws, and bearing worldly offices in noblemen and gentlemen's houses, merchandise, and suchlike, buying of victual, and keeping it to the dearth; and all such worldly occupations, as may distract them from their charge, and may be slanderous to the pastoral calling; be admonished, and brought to the acknowledging of their sins;—and if they continue therein, to be deposed. 4. That ministers non-resident at their flocks; be deposed, according to the acts of the general assembly, and laws of the realm; otherwise, that the burden be laid on the presbyteries, and they to be censured therefore. 5. That ministers await not on the court, and affairs thereof, without the advice and allowance of their presbyteries: *Item*, That they intent no action civil, without the said advice, except in small matters; and that for remedying of the necessity that some ministers have to enter in plea of law; that remedy be craved, that short process be devised, to be used in ministers actions. 6. That ministers take special care, in using godly exercises in their families, in teaching their wives, children, and servants, in using ordinary prayers, and reading of scriptures, in removing of offensive persons out of their families; and suchlike other points of godly conversation and good example; and that they, at the visitation of the kirks, try the ministers families in the points aforesaid; and such as are found negligent in these points, after due admonition, shall be judged unmeet “to govern the house of God,” according to the rule of the Apostle. 7. That ministers, in all companies, strive to be spiritual and profitable, and to talk of things pertaining to godliness; as namely, such as may strengthen them in Christ, instruct them in their calling; of the means how to have Christ's kingdom better established in their congregations, and to know how the gospel flourishes in their flocks; and suchlike others, the hindrauces and remedies they find,

&c. wherein there are manifold corruptions, both in ministers companying with themselves and with others; and that the contraveners thereof be tried, and sharply rebuked. 8. That no minister be found to countenance, procure, or assist a public offender, challenged by his own minister for his public offence; or to bear with him, although his minister were too severe upon him, under the pain of admonition and rebuking. Lastly, that all acts made anent keeping of the assemblies be observed.—*Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. Art. 9.*

II. A full acknowledgement and narration of the enormities and corruptions observed in the ministry; the first and main sin, reaching both to their personal carriage and callings, is judged to be, not studying how to keep communion and fellowship with God in Christ; and more particularly

Corruptions of ministers in their lives. 1. Much fruitless conversing in company. 2. Great worldliness. 3. Slighting God's worship in their families. 4. Want of gravity in their own and in their wives and children's carriage and apparel. 5. Tippling and bearing company in untimely drinking. 6. Discountenancing and speaking ill of the godly. 7. Not sanctifying the Sabbath after sermon. 8. Using small minced oaths. 9. Being great strangers to, and little conversant in the scriptures. Next

In their callings; As, 1. Corrupt entry into the ministry, and entering thereto, as to a way of living in the world, and not as to a spiritual calling. 2. Helping into, and holding in the church insufficient and suspected men; and keeping the door straiter upon these whom God hath sealed, than upon those who have less evidence of the power of grace and holiness. 3. Partiality in favouring and speaking for the scandalous, whether ministers or others; teaching them how to shift and delay censures. 4. Silence in the public cause. 5. Speaking ambiguously, and justifying the wicked cause; complaining of the times upon the public account, and speaking against public orders. 6. Idleness in the duties of their ministry. 7. Want of zeal and love to the conversion of souls; preaching

ex officio, not *ex conscientia officii*. 8. Self-seeking in preaching. 9. Lifelessness in preaching, not applying the doctrine to the auditory and the times. 10. Indiscreet curing the imprudence of pious people and ministers. 11. Little care to furnish the armies, both at home and abroad, with ministers. 12. Neglect of secret wrestling in prayer, for a blessing on their labours.

These enormities are ordained to be tried and restrained; and for that purpose, the subsequent remedies to be seriously followed and practised: And 'tis recommended, especially to presbyteries and provincial assemblies, to make use of the same, in visitation of the kirks, and trial of presbyteries.

Remedies of the corruptions of ministers. 1. That presbyteries make great conscience in having all the vacant places within their several bounds, filled with godly and able men, wherever they are to be found; and that, under the pretence of being an helper or second to another, none be taken in, but such as are able for the same charge. 2. That brethren be more serious and faithful in their private trials in presbyteries, as they will be answerable to Christ, the chief shepherd; and, in a way previous thereto, that brethren be free, in loving admonition one of another, secretly, from time to time: And that whosoever keeps not the presbytery and synod, after grave admonition, may come under farther censures. 3. That accuracy be used at visitation of kirks; and that the elders, one by one (the rest being removed) be called in, and examined upon oath, upon the minister's behaviour in his calling and conversation. 4. That course be taken to divide congregations in parts; and by the help, not only of elders in their several parts, but of neighbours also, the evils and neglects of persons and families may be found out, and remedied. 5. That every minister be humbled for his former failings, and make his peace with God; that the more effectually he may preach repentance, and may stand in the gap, to turn away the wrath of the Lord; running betwixt the porch and the altar, sighing and crying for all the abominations of the land.

6. That special care be had, that all ministers have their conversation in heaven, mainly minding the things of God; and exercising faith, for drawing life out of Jesus Christ, the fountain of life; arming themselves thereby, with power against the contagion and wickedness of the world. 7. That care be had of godly conference in presbyteries, even in the time of their refreshment; and the moderator is to look to it, that good matter be furnished thereto. 8. That every minister bring home the word of God to his own heart and conscience, by prayer and meditation, both before and after the public ordinance. 9. That use be made of the roll of the parish, not only for examination, but also for considering the several conditions and dispositions of the people, that accordingly they may be admonished, and particularly prayed for by the minister in secret. 10. That ministers have more communion among themselves for their mutual stirring up, the strengthening of their hands in the Lord's work and rectifying of those who are not incorrigible. 11. That ministers in all sorts of company labour to be fruitful, as the salt of the earth, seasoning them they meet with, not only forbearing to drink healths (Satan's snare leading to excess) but reproving it in others. 12. That all ministers be careful to cherish the smoking flax of weak beginnings in the ways of God, and courageously to oppose all mockers and revilers of the godly. 13. That ministers, with all diligence and faithfulness, improve their ministry to the utmost, be instant in season and out of season, and frugally employ their time in private, in the reading of, and meditating on the scriptures, that the word may dwell plentifully in them. 14. That providing the army with ministers, be preferred to any congregation, and that those who are appointed to attend the same, and are deficient, be without delay severely censured, according to the Act Sess. 6. June 3. Ass. 1644^a. And that all ministers in public and private for the armies, that their lives being refor-

^a Army, 2.

med, their hearts and hands may be strengthened, and their undertakings at last blessed of God with success. 15. That besides all other scandals, silence or ambiguous speaking in the public cause, much more detracted and disaffected speaking be seasonably censured; and to this effect, that honest hearted brethren do firmly unite themselves in the Lord, the younger honouring the elder, and the elder not despising the younger. 16. Both for corruptions of the ministry, and remedies thereof, brethren are referred to the forementioned act of assembly 1596, revived, as said is, by the above-mentioned Act 1638.—*Act Sess. 10. June 13. Ass. 1646.*

III. That ministers and professors of divinity shall not, by their demission of, or cessation from, their charge, through age and inability, be put from enjoying their old maintenance and dignity.—*Act Sess. 5. July 30. Ass. 1641.*

IV. All are prohibited and discharged, to pretend or use the names of ministers, to any petition, declaration, or such like, at any time thereafter, without their knowledge, consent, or assistance; otherwise, to be proceeded against by the censures of the kirk.—*Act Sess. 11. Aug. 5. Ass. 1642.*

V. That every minister, by the word of wisdom, apply his doctrine faithfully against the public sins and corruptions of the times; and particularly, against the sins and scandals in that congregation where he lives, according to the Act of Assembly 1596, revived by Sess. 23, 24. Dec. 17, 18. Ass. 1638. Art. 9^a. and Act Sess. 10. June 13. Ass. 1646^b. with various other sins and evils, as recorded at large in *Act Sess. 26. Aug. 3. Ass. 1648.*

VI. That no ministers who have actual standing and absolute relation to any charge in the church of Scotland, remove out of the kingdom, without the consent of the respective judicatories of this church.—*Act 9. Ass. 1690.*

VII. All sentences passed against ministers *hinc inde* by any church judicatory, upon account of the late differences

^a *Supra*, 1.

^b *Supra*, 2.

among presbyterians, from the year 1650 until the reintroduction of prelacy, are declared of themselves void and null, to all effects and intents; and it is recommended to the respective presbyteries, to take care, that such of these ministers as are not otherwise disposed of by the church, return to the exercise of their ministry in their respective congregations; and to the civil magistrate, that the said ministers may have the legal maintenances and stipends where they served.—*Act 13. Ass. 1690.*

VIII. Recommended to all the presbyteries of this church, to proceed in all processes against ministers with all due circumspection and prudence, and that they consult their respective synods, or in case of urgent necessity, the commission of the assembly; and it is required, that no judicatory of the church do take advantage to censure any minister whatsoever for not having qualified himself in the terms of the act of parliament 1693.—*Act 12. Ass. 1694.*

Nota. This act was only to endure till April 1695, or the meeting of next assembly, which of them first happened.

IX. Ministers are not liable to the censures of kirk-sessions, but to the superior judicatories of the church.—*Form Proc. cap. 1. § 7. Act 11. Ass. 1707.*

X. All processes against any minister are to begin before his presbytery, and not before his own session.—*Form Proc. cap. 7. § 1.* No stain upon a minister's credit or reputation, doctrine or conversation, ought lightly to be received, or negligently enquired into, when it comes before a judicatory, nor slightly censured when found evident.—*Ibid. § 2.* The presbytery should exactly ponder by whose information and complaint a scandal in a minister comes first before them, and they are not to cite a minister, or any way to begin the process, until first some person sign the complaint, and give some account of its probability, and undertake to make out the libel; or, at least, do, before the presbytery, undertake to make it out, under the pain of being censured as slanderers; or, that the *fama clamosa* be so great, that the presbytery, for

their own vindication, begin the process without any particular accuser. *Ibid.* § 3. No Christian ought either to publish or spread a scandal in a minister, nor accuse him before the presbytery, without first acquainting himself, if they can have access thereto; and then if need be, some of the most prudent of the ministers and elders of that presbytery, and their advice got in the affair. *Ibid.* § 4. If there be ground for a process, the presbytery should first consider the libel, and then order the minister to be cited, and to get a full copy thereof, with a list of the witnesses names, and a formal citation in writ is to be made, either personally or at his dwelling-house, bearing its date, and the names of the witnesses to the giving thereof; and there should be at least ten free days betwixt the giving of the citation and the day of compearance; the execution, bearing its date, with the names and designations of the witnesses, should be made in writ, and signed by the officer and witnesses; and the same being returned, the minister is to be called, and if he compear, the libel is to be read to him, and if he have answers to it in writing, they may be read and considered; and if the presbytery find the libel relevant, and that there is cause to insist, they are to endeavour to bring him to a confession; and if he confess matters of a scandalous nature, censurable in others, the presbytery, whatever be the nature of his penitence, though to the conviction of all, are *instanter* to depose him *ab officio*, and appoint him to appear before the congregation where the scandal was given; and in his own parish, for removing the offence by a public profession of repentance. *Ibid.* § 5. If the minister absent himself by leaving the place, and be contumacious without a relevant excuse, after a new public citation, or intimation at his own church, when the congregation is met, he is to be held as confessed, and to be deposed and censured *instanter* with the lesser excommunication; but if, after some time, he do not return and subject himself, he may be proceeded against until he be censured with the greater excommunication, if the judicatory see cause. *Ibid.* § 6. If he ap-

pear and deny the fact after the relevancy is found, the presbytery proceeding to probation, and to find the truth of the matter, all the circumstances are to be exactly canvassed, and the accused heard to object against the witnesses: As also he should be allowed to be present at the examination, and modestly to cross interrogate; and then the reputation of the witnesses, and their hability duly regarded, and the examination considered: If after consideration of all these, the judicatory shall find the scandal sufficiently proven, they are to proceed to censure as in § 5. *supra*. *Ibid.* § 7. If the matter laid to the minister's charge be practices subversive of the unity and peace of the church, unsoundness and heterodoxy in doctrine, then great caution should be used, and the knowledge and understanding of the witnesses much looked into; and if the errors be not gross and striking at the vitals of religion, or if they be not pertinaciously stuck unto, or industriously spread with a visible design to corrupt, and that the errors are not spreading among the people; then lenitives, admonitions, instructions, and frequent conferences are to be tried, and the advice of other presbyteries sought, and unless the thing be doing much hurt, so as it admits of no delay, the synod or general assembly may be advised with, and this intimated to the minister concerned. *Ibid.* § 8. If the complaint be a multitude of smaller things laid together, as several acts of negligence, or other unsuitable actions, a visitation of the parish is to be made, at which it is first to be tried, if any of the things now charged, were committed prior to the last visitation, and if they were then laid to the minister's charge and if they were not, it is to be tried how they came to be laid to his charge now. *Ibid.* § 9. If the presbytery find the things committed since the last visitation, or find a satisfying reason why they were not tabled then; they are to inquire what diligence has been used in acquainting the minister of the offence taken at those things when first committed, and how far he has been guilty, after he knew offence to be taken; and if the complainer did first, in a prudent private way, inform any of

the neighbouring ministers of the the things committed by the minister, before the offences came to be so many as to merit a public solemn trial, and accordingly they are to judge. *Ibid.* § 10. 11. If the presbytery find the things complained of to be but acts of infirmity or passion, which may either be amended, and the people satisfied, and no such offence taken; or, at least not to remain, so as to hinder the minister's profiting the people, or that the offence was taken only or mainly by his own people; then the presbytery is to take all prudent ways to satisfy or reclaim both ministers and people, and do away the offence. *Ibid.* § 12. Before a deposed minister be restored, there should not only be convincing evidences of deep sorrow for sin, but an eminent and exemplary humble walk, and edifying conversation, so apparent and convincing, as hath worn out, and healed the wound the scandal gave. *Ibid.* § 13. Immediately upon the minister's being deposed, the sentence is to be intimated in the congregation, and the church declared vacant, the planting thereof hastened, and never delayed on expectation of his being reponed.—*Ibid.* § 14. *Act 11. Ass. 1707.*

XI. The several synods and presbyteries are appointed to send accounts from time to time, to the clerk of the assembly, of all ministers, who are, or shall be deposed, or suspended, and probationers, who are, or shall be licensed by them; and the clerk is ordered to lay the same before the assembly or commission, at their first meeting, after it comes to hand, that due and proper methods may be used to make the same publicly known to all concerned.—*Act 15. Ass. 1709.*

XII. *The questions to be put to a minister at his ordination are,* 1. Do you believe the Scriptures of the Old and New Testament to be the word of God, and the only rule of faith and manners?—2. Do you sincerely own and believe the whole doctrine contained in the confession of faith, approved by the general assemblies of this church, and ratified by law, in the year 1690, to be founded upon the word of God; and do you acknowledge the same as the confession of your faith;

and will you firmly and constantly adhere thereto, and, to the utmost of your power, assert, maintain, and defend the same, and the purity of worship as presently practised in this national church, and asserted in Act 15^a. Ass. 1707?—3. Do you disown all Popish, Arian, Socinian, Arminian, Bourignian, and other doctrines, tenets, and opinions whatsoever, contrary to, and inconsistent with the foresaid confession of faith?—4. Are you persuaded, that the Presbyterian government and discipline of this church are founded upon the word of God, and agreeable thereto; and do you promise to submit to the said government and discipline, and to concur with the same, and never endeavour, directly or indirectly, the prejudice or subversion thereof, but to the utmost of your power, in your station, to maintain, support, and defend the said discipline and Presbyterian government, by kirk-sessions, presbyteries, provincial synods, and general assemblies, during all the days of your life?—5. Do you promise to submit yourself willingly and humbly, in the spirit of meekness, unto the admonitions of the brethren of this presbytery, and to be subject to them, and all other presbyteries and superior judicatories of this church, where God in his providence shall cast your lot; and that according to your power, you shall maintain the unity and peace of this church against error and schism, notwithstanding of whatsoever trouble or persecution may arise; and that you shall follow no divisive courses from the present established doctrine, worship, discipline, and government of this church?—6. Are not zeal for the honour of God, love to Jesus Christ, and desire of saving souls, your great motives and chief inducements to enter into the function of the holy ministry, and not worldly designs and interest?—7. Have you used any undue methods, either by yourself or others, in procuring this call?—8. Do you engage, in the strength and grace of Jesus Christ, our Lord and Master, to rule well your own family, to live a holy and circumspect life,

^a Unity in Religion, 5.

and faithfully, diligently, and cheerfully to discharge all the parts of the ministerial work, to the edification of the body of Christ?—9. Do you accept of, and close with the call to be pastor of this parish, and promise through grace, to perform all the duties of a faithful minister of the gospel among this people?—*Act 10. Ass. 1711.*

Questions to be put to a minister, already ordained, at his admission to a parish. You having already been ordained a minister of the gospel of Christ, 'tis supposed, that the usual questions on such occasions were then put to you; and that you did then declare, &c. (here the questions put to ministers at their ordination, *ut supra*, are to be repeated; and then say) And do you now consent and adhere to these declarations, promises, and engagements; and accept of, and close with a call to be minister of this parish; and promise, through grace, to perform all the duties of a faithful minister of the gospel among this people?—*Ibid.*

XIII. Recommended and enjoined on presbyteries to take care that all ministers behave themselves as becomes their character.—*Act 9. Ass. 1745.*

XIV. Earnestly recommended to presbyteries to take such wise and effectual measures, as may promote the spirit of our holy religion, and preserve the purity and decorum of the ministerial character; and that they take care that none of the ministers of this church attend the theatre.—*Act 5. Ass. 1757.*

XV. Enacted and ordained, That if a professor in an university, be thereafter presented to a parochial charge, which is not situated in the city that is the seat of that university, or in the suburbs thereof, he shall within nine months after his being admitted to the charge, resign his professorship, and at the extraordinary meeting of presbytery thereafter produce a certificate that his resignation has been accepted; and that if the minister of a parish, which is not situated in the city that is the seat of an university, or the suburbs thereof, be thereafter presented or elected to a professorship in any university, he shall, at the first ordinary meeting of presby-

tery, which shall take place after the lapse of six months from the date of his induction into the professorship, resign into the hands of the presbytery his parochial charge: And in the event of this injunction not being complied with, by the persons holding such offices, Ordained that the presbytery of the bounds serve him, in his character of parish minister, with a libel for the breach of this statute, and to proceed therein according to the rules of the church, provided, that ministers of chapels of Ease shall be subject, in all respects, to the provisions of this act, in the same manner as parochial ministers: Provided further, that the Old and New towns of Aberdeen be held as forming one city, so far as respects the provisions of this act.—*Act 6. Ass. 1817.*

OATHS.

I. The oath called *the Bond*, and bonds of the like nature, declared unlawful, and the subscribers not restricted by their oaths to the tenor thereof.—*Act Sess. 17. Aug. 9. Ass. 1641.*

II. For eviting contrary oaths, synods, presbyteries, and sessions, are discharged to take the oaths of both parties in all time thereafter, in trying of adulteries, fornications, and other faults and scandals; but all other order and ways of trial used in such cases are recommended to them; and that there may be a common order and course kept in the kirk for trying public scandals, presbyteries are ordained to advise upon some common order thereuntil, and to report their judgments to the then next assembly.—*Act Sess. 11. Aug. 5. Ass. 1642.*

III. If a person, accused of being the father of a child unlawfully begotten, do offer his oath of purgation, and crave the privilege thereof, the presbytery may, if they judge it for edification and the removing of the scandal, allow the same; which may be to this purpose.—“ I, A. B. now under process before the presbytery of —— for the sin of —— alleged to be committed by me with C. D. and lying under that grievous slander, being reputed as one guilty of that

“ sin, I for the ending of the said process, and giving satisfaction to all good people, do declare before God and this
 “ ———, that I am innocent and free of the said sin of ———,
 “ or having carnal knowledge of the said C. D., and hereby
 “ call the great God, the judge and avenger of all falsehood,
 “ to be witness and judge against me in this matter, if I am
 “ guilty: And this I do, by taking his blessed name in my
 “ mouth, and swearing by him who is the great judge,
 “ punisher, and avenger, as said is; and that in the sincerity
 “ of my heart, according to the truth of the matter and my
 “ own conscience, as I shall answer to God in the last and
 “ great day, when I shall stand before him; to answer for all
 “ that I do in the flesh; and as I would partake of his glory
 “ in heaven, after this life is at an end”.—*Form Proc. cap. 4.*

§ 7. In taking this oath of purgation, all tenderness and caution is to be used, nor is the session to press any man thereto; but they are to deal with him and his conscience as in the sight of God: And if he offer to give his oath, the judicatory shall accept it or not, as they shall see cause; and then to proceed to remove the scandal, with the advice of the presbytery, as may be most for edification: But this oath is not to be taken in any case but this, when the prestimptions are so great, that they create such jealousy in that congregation and session, that nothing will remove the suspicion but the man's oath of purgation, and when his oath will probably remove the scandal and suspicion. In all other cases this oath is vain, and so should not be admitted; and never but by the advice of the presbytery.—*Ibid. § 8.* This oath is to be taken either before the kirk-session, or presbytery, or congregation, as the presbytery shall determine; and if taken before the kirk-session or presbytery, it is to be intimated in the congregation, and he may be put publicly to own his purging himself by oath, and so be declared free from the alleged scandal.—*Ibid. § 9. Act 11. Ass. 1707.*

Nota. These three paragraphs are not enjoined as stand-

ing rules, but only recommended to be observed as the judicatures shall find to tend most to edification.

IV. The proceedings of the commission of assembly 1711, respecting the oath of abjuration, and more especially the address and representation made to the Queen in that matter, are approved, and judged to have been true, dutiful, faithful, and most seasonable; and the said address is, by order of the assembly, inserted *verbatim* in the act; and the assembly, in the words of the foresaid oath, solemnly declare and ascertain their allegiance to the Queen; disown and disclaim the Pretender; and promise to maintain the Protestant succession; and they do most seriously obtest all ministers and members of this church, whatever may be their different practice, to entertain a good understanding herein.—*Act 16. Ass. 1712.*

V. The assembly, in an address to the Queen, suggest to her Majesty, that a scruple remained with many, as if the conditions mentioned in the acts of parliament, establishing the succession to the crown, referred to in the oath of abjuration, were to be understood as a part thereof, which is judged inconsistent with their known principles; and therefore plead to be relieved in the terms of the treaty and articles of the union: They renew the declaration and assertion of their loyalty to her, and their concern for the Protestant succession, which is expressed in the above act; and declare their willingness to affirm the points thereof, by their great oath, if thereto required: And therefore plead, that such as may remain unclear, as to the taking of the oath as it stands, may be favourably regarded by her Majesty, as her most loyal and dutiful subjects; and that she would interpose for their relief.—*Act 17. Ass. 1712.*

VI. His Majesty having immediately upon his accession to the crown, in pursuance of the Act 6. Parl. 1707, which is made a part of the acts of the parliaments of both kingdoms of Scotland and England, ratifying the treaty of union, in presence of his privy council, by his solemn oath, faithfully promised and sworn, according to the form used in the law

of Scotland, that he shall inviolably maintain and preserve the settlement of the true Protestant religion, with the government, worship, discipline, rights, and privileges of the church of Scotland, as established by the laws made there, in prosecution of the claim of right, and particularly by the foresaid Act 6. Parl. 1707, and acts of ratification above mentioned, and subscribed the said oath in two several instruments made thereupon: The double of the said oath and instruments were, for the satisfaction and encouragement of the ministers, and other members of this church, openly read from the books of the late commission, where the same stands recorded, and are by order of the assembly, also recorded in *Act 4. Ass. 1715.*

OFFICE BEARERS IN THE CHURCH.

I. That none be intruded into any office in the church, whether pastors, readers, &c. contrary to the will of the congregation to which they are appointed.—*Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. Art. 20.*

II. That every elder have certain bounds assigned him, that he may visit the same every month at least, and report to the session what abuses are therein.—*Act Sess. 38. Aug. 10. Ass. 1648. Art. 2^a.*

III. Recommended to all ministers to take care, that deacons, as well as elders, be ordained in congregations where deacons are wanting: But declared, that deacons, as such, shall have no decisive voice, either in the calling of ministers, or in the exercise of church discipline.—*Act 7. Ass. 1719.*

IV. Kirk-sessions, presbyteries, and synods, are appointed strictly and impartially to observe this and all former acts of assembly, relative to the office bearers in the church; and presbyteries are appointed at their privy censures, to inquire into the behaviour of their members, and of all the deacons and elders in their bounds.—*Act 9. Ass. 1722^b.*

^a This is part of the Act Remedies Ecclesiastic against Profaneness.

^b See this Act at large in Profaneness, 8.

V. Enjoined on presbyteries to have a strict regard to what is required with respect to the duties and qualifications of elders by the above Act 9. Ass. 1722.; especially in choosing elders to represent them in general assemblies, and attesting the commissions of such as are chosen either by themselves, by universities, or by royal burghs.—*Act 7. Ass. 1727.*

VI. Enjoined on presbyteries to be careful, that all to be chosen elders of this church, be qualified according to the acts of assembly; and particularly that they attest none as members of assembly, but such as are qualified; not only by subscribing the *formula* prescribed, but likewise according to all the other qualifications required by former acts of assembly.—*Act 8. Ass. 1737:*

VII. Enacted, 1. That no person be ordained an elder of this church, before he is twenty-one years of age complete. 2. That all presbytery elders be elected within two months after the sitting of the synod of that bounds; and in case of death or demission, that a new election be made within one month of the same. 3. That every elder so chosen produce an extract of his election under the hand of the session-clerk, before he be received on the roll of either the presbytery or synod.—*Act 12. Ass. 1779.*

VIII. Enacted and ordained, that no person be set apart to the office of an elder, unless he hath attained the age of *twenty-one* years complete, and produce a certificate to that effect, to remain in *retentis*; and unless he is a communicant: That no person be ordained an elder who is not an inhabitant of the parish, liable to pay stipend and other parochial burdens, or who is not the apparent heir of an heritor, of that description in the parish: That when any person who does not generally reside, but only occasionally be proposed to the kirk-session to be ordained an elder, there shall be produced a certificate, under the hands of the minister and kirk-session of the parish where he generally resides, that he is of unblemished character, and regular in giving attendance on the public ordinances of religion. Enacted further, that if any

elder be ordained in future, without being thus qualified, he shall not be held as entitled to any of the privileges of that office: But in any city or town where there are more congregations than one, that they shall be held as one parish, in as far as this act is concerned.—*Act 11. Ass. 1816.*

ORDERING OF THE ASSEMBLY-HOUSE.

I. For order in the assembly-house in all time thereafter, it is appointed, 1. That the commissioners sit together unmixed, and that the places where they sit be railed about, or some other way divided from the seats of others, and that places be provided, without the bounds of the commissioners seats, to persons of respect, who are not commissioners, and others, according to their qualities, as the magistrates of the town shall think most convenient. 2. Also, that the commissioners, having received tickets from the magistrates of the burgh, at the delivery of their commissions, whereby they may have ready access to the assembly-house, and place appointed for them, do keep the hour of meeting precisely, and whosoever comes after the time, or shall be found absent at the calling of the rolls, is to be censured, as the assembly sees fitting; and that whatsoever presbytery, burgh, or university shall not send commissioners, or commissioners sent from them, do not come at all to the assembly, be summoned to the next assembly and censured, as the assembly shall find reasonable. 3. That four persons of respect have warrant from the assembly to enjoin, that there be no standing, nor din, nor disorderly behaviour; and if any shall disobey them, or direct his speech to any, except to the moderator, and that one at once, with leave first asked and given, that he be rebuked publicly by the moderator; and if he desist not, be removed out of the assembly for that session. 4. That no motion come into the assembly, but by the committee appointed for matters of that nature; and if the committee refuse to answer the same, that it be proponed to the assembly, with the reasons thereof. 5. That the minutes of each session be read before the rising; and if the mat-

ter concern the whole kirk, that it be drawn up in form, and read in the beginning of the next ensuing session, that the assembly may judge whether or not it be according to their mind.—*Act Sess. 2. July 29. Ass. 1640^a.*

II. The foresaid act of assembly at Aberdeen 1640, for ordering the assembly-house, is ordained to be kept thereafter punctually, and for that effect, the same is to be read the first session of every assembly.—*Act Sess. 13. Aug. 6. Ass. 1642.*

III. Mr. John Law ordered to continue moderator to Assembly 1694. till the Friday next after the sitting down of the general assembly 1695 by act 2. of that Assembly—the King's commissioner's speech, and that of the moderator are printed amongst the acts of the same assembly 1695. in *Act 7.*

IV. All references, appeals, and complaints, that shall be made in time coming to the assemblies of this church, are appointed to be lodged in the clerk's hands, on or before the second or third days of the assembly's meetings, with certification, that all appeals and complaints not so lodged, shall be held as deserted and fallen from, and shall not thereafter be received, unless upon the first opportunity, the parties concerned make it appear to the assembly, that insuperable difficulties did withhold them from lodging the same, in manner above set down; and the clerks of the several judicatories are enjoined, to transmit to the clerk of the assembly, within the time foresaid, all references made by the respective judicatories to the general assembly.—*Act 7. Ass. 1718.*

V. Ordered, That before the roll begin to be called, the doors of the assembly-house shall be shut, and shall not be opened, until the judgment of the assembly be declared.—*Act 6. Ass. 1789.*

VI. Enacted, 1. That the upper galleries of the assembly-house be set apart for strangers. 2. That the under galleries

^a Now, by immemorial-custom, the minutes of each sederunt are only once read at the beginning of the next following sederunt, except the minutes of the last sederunt of the assembly, which are read immediately before the dissolution thereof.

be reserved for preachers and students in divinity, who shall be required to produce tickets authorising their admission, from the professors of divinity. 3. That one bench, contiguous to each of the under galleries, be separated from the middle part of the house by a proper rail, for the accommodation of those ministers who are not members of the assembly. 4. That no person be admitted into the remaining part of the house, except members of the assembly, the magistrates of the city of Edinburgh for the time being, the Lord Commissioner's attendants, and parties with their counsel and agents. 5. That the members shall, when they deliver their commissions to the clerks of the assembly, receive tickets, containing their respective names, from the clerks; and that the beadles be strictly enjoined to refuse them admittance into the house unless they produce their tickets, or upon a motion for that purpose, be admitted by the authority of the assembly. 6. That a beadle be appointed to superintend the other beadles, and be made responsible for their conduct.—*Act 3. Ass. 1802.*

VII. Enacted, That the papers with all private causes be placed upon the assembly's table at their meeting on the first Saturday of the assembly; that the first meeting of the committee of bills be held on the evening of the Thursday preceding; a second meeting of the same committee on the evening of Friday; and a third on the morning of Saturday before the meeting of the assembly; and that all appeals, complaints, or references, not presented to the committee of bills at, or before their meeting on the morning of the first Saturday of the assembly, be held as fallen from: This enactment is appointed to be read on the first day of the meeting of every assembly, together with Act 7. Ass. 1718^a, and printed copies of it are directed to be sent to all the presbyteries of the church.—*Act 5. Ass. 1819.*

^a *Supra*, 4.

 ORDINATION OF MINISTERS.

I. The book of consecration and admission is rejected and condemned, as establishing offices in God's house which are not warranted by the word of God, and are repugnant to the constitutions of our kirk, as an impediment to the entry of fit and worthy men to the ministry, and to the discharge of their duty after their entry, conform to the discipline of our kirk: and the use and practice of the same is prohibited, and presbyteries are ordained to proceed with the censures of the kirk against all such as shall transgress.—*Act Sess. 14. Dec. 6. Ass. 1638.*

II. The propositions concerning the officers, assemblies, and government of the kirk, and concerning the ordination of ministers, being the results of the long and learned debates of the assembly of divines at Westminster, and of the treaty of uniformity, with the commissioners of this kirk residing at London, are agreed to, and approved; and the commissioners of the assembly are authorised to agree to, and conclude in the name of the assembly, an uniformity betwixt the kirks in both kingdoms, in the aforementioned particulars, so soon as the same shall be ratified, without any substantial alteration, by an ordinance of the parliament of England; which ratification is to be timeously intimated and made known by the commissioners of this kirk residing at London: But 'tis provided, that that act be nowise prejudicial to the further discussion and examination of that article, which holds forth, that the doctor or teacher hath power of the administration of the sacraments, as well as the pastor; as also of the distinct rights and interests of presbyteries and people in the calling of ministers; but that it shall be free to debate and discuss these points, as God shall be pleased to give further light.—*Act Sess. 16. Feb. 10. Ass. 1645.*

III. The assembly unanimously declare, That as they allow no power in the people, but only in the pastors of the

church, to appoint or ordain church officers; so they disclaim the error of the press, in Acts vi. ver. 3. if any such be found in bibles printed in this nation, bearing “whom *ye* may appoint over this business,” instead of, “whom *we* may appoint,” and do declare, they do not own any other reading of that text to be according to the original, but “whom *we* may appoint,” &c. nor do they know, nor can learn, that ever any in this nation did publicly use or apply that text to prove the people’s power in ordaining their ministers; which error the Presbyterians (particularly these of Scotland) are wrongously charged with by Thomas Gibbs, rector of Bury, in a sermon preached by him, and printed and published.—Act 5. Ass. 1698.

IV. Enacted and declared, That any person who shall hereafter receive either licence or ordination from any of the late prelates, or any others not allowed by the authority of the church, shall be incapable of ministerial communion for the space of three years *simpliciter*, and ever after that time, ay and while the presbytery, to which he shall apply, be satisfied concerning his repentance.—Act 14. Ass. 1701.

V. All young men educated in this church, or students of divinity, are discharged to go to foreign places, and there offer themselves to trials, for licence to preach the gospel and ordination to the holy ministry, unless they carry along with them sufficient testimonials from the professors of divinity under whom they studied, if they have attended the profession of divinity, and from the minister of the parish, and presbytery of the bounds where they resided: And presbyteries are discharged to grant such testimonials, except upon due enquiry into the person’s life and conversation, soundness in the faith, proficiency in his studies, abilities, and fitness for the ministerial function: And the commission is appointed to acquaint ministers in foreign places, where young men or students, not certified as above, may be, with this act, and advertise them what testimonials they ought to receive.—Act 12. Ass. 1711.

VI. Declared, That when one is ordained or admitted as

minister of a parish, he shall, by virtue of such ordination or admission, be *ipso facto* a member of the presbytery and synod in whose bounds the parish lies: And all clerks of synods and presbyteries, are enjoined to enroll as members such as have at any time preceding this act, been ordained or admitted as ministers of parishes within their respective bounds.—*Act 5. Ass. 1754.*

VII. Enacted, and all persons educated or residing within the bounds of this church, are prohibited from going out of its bounds to obtain licenses to preach; and all preachers licensed by this church are prohibited from going without its bounds to obtain ordination, unless they are called to a particular congregation in another country: And 'tis enacted, That licenses obtained in that manner shall not be received, or have any effect in this church; and such preachers as contravene this act shall forfeit the licence formerly given them, and be no longer entitled to the privileges which belong to a preacher of the gospel of this church.—*Act 9. Ass. 1779.*

VIII. Declared, that both the minister of the parish and his ordained assistant and successor, ought to be constituent members of the kirk-session; that in the presbytery and synod either of them who is present may deliberate and vote; that if both are present, these privileges belong to the minister of the parish only; and that either of them is capable of being elected a member of assembly, but not both of them in one year.—*Int. Act and Overt. Ass. 1784.*

IX. Recommended to presbyteries, to be cautious in granting ordination to such persons as have neither a fixed charge, nor a reasonable prospect of such provision as may enable them to support the ministerial character; and that no presbytery grant ordination to any person who has a near prospect of removing from the bounds of that presbytery into another, from whom he may in due time receive ordination, if it shall by them be found necessary and proper.—*Int. Act and Overt. Ass. 1786.*

X. Enacted and declared, That it is agreeable to the con-

stitution, the laws, and the decisions of this church, that no probationer, who has obtained a licence without the bounds of this church, or who has not obtained a licence from some presbytery of this church, and no ordained person, who did not obtain his licence from a presbytery of this church, or who, either by going without the bounds of the church to obtain ordination, although he was not called to a particular congregation in another country, or by any other part of his conduct, has forfeited the licence which he had obtained, shall be held qualified to accept of a presentation, or a call, to any parish in this church, or to any chapel of ease connected therewith: And 'tis enjoined on all the presbyteries of this church, that if a presentation or a call to any such probationer, or ordained person as described in this act, shall, at any time, be given in to them, instantly to pronounce a sentence, refusing to sustain such presentation or call, and declaring it null and void. And all the ministers of this church and chapels of ease connected therewith, are prohibited and discharged, under pain of such censures as the judicatories of this church may see cause to inflict, from employing to preach upon any occasion, or to dispense any of the ordinances of the gospel, within any congregation under the jurisdiction of this church, persons who are not qualified, according to the laws of this church, to accept of a presentation, and from holding ministerial communion in any other manner with such persons. And presbyteries are enjoined to attend to any transgression of this prohibition which may occur within their bounds, and to summon the minister who is reported guilty of such transgression to answer for his conduct. This act to be transmitted to every presbytery to be engrossed in their respective records.—*Act 5. Ass 1799.*

OVERTURES *.

I. Enacted, That before a general assembly of this church pass any acts which are to be binding rules and constitutions

* See Acts of Assembly, 6, 7. Probationers, 20.

to the church, the same acts be first proposed as overtures to the assembly; and being by them passed as such, be remitted to the consideration of the several presbyteries of this church, and their opinions and consent reported by their commissioners to the next assembly following, who may then pass the same into acts, if the more general opinion of the church, thus had, agree thereto.—*Act 9. Ass. 1697.*

II. Recommended to all presbyteries within this church, in their instructions to their commissioners, carefully to distinguish betwixt what they propose as overtures, to be transmitted by the general assembly to the several presbyteries, in order to their being past into acts; and those things which are only matter of complaint or grievance, to be presently redressed, or things wherein they desire to be advised, that overtures and matters of advice may be given in to the committee for overtures, and the rest to the committee for bills, references, and appeals; and yet, in matters of weight, these two committees may advise with one another.—*Act 6. Ass. 1706.*

III. Acts 17. Ass. 1707. and 16. Ass. 1710^a: are revived; and presbyteries, which have not sent up their remarks upon the larger overtures for discipline, are again appointed to transmit the same to the clerk of the commission: And recommended to presbyteries to send up to the next general assembly such members as might be most in case to help forward this work.—*Act 10. Ass. 1718.*

IV. 'Tis enacted, That when any overture hath been twice transmitted, the general assembly shall, without further transmission, take such overtures into consideration, and pass into acts, or reject the same, as they shall see cause, although presbyteries have not sent up their opinions.—*Act 7. Ass. 1752.* Re-enacted, *Act 5. Ass. 1758.*

V. 'Tis ordained, That no business or overture shall be brought into the assembly the same day on which it is moved

^a Acts transmitting Overtures.

in the committee) for overtures; and that after an overture being transmitted or moved in the assembly, it shall lie on the table for one diet.—*Act 8. Ass. 1770.*

P.

PAPISTS*.

I. An overture for taking the number and names of all Papists in the kingdom, that it might appear what growth Popery hath had, and has, and what Popish priests and jesuits there are in the land; and that all persons, of whatsoever state or condition, be obliged to swear and subscribe the confession of faith, as then condescended on by the general assembly, and that they frequent the word and sacraments in the ordinary diets and places, otherwise to be proceeded against with the censures of the kirk; and that children be not sent out of the country without licence of the presbyteries or provincial synods of the bounds where they dwell; is referred to the several presbyteries, by *Sess. 23. 24. Dec. 17. 18. Ass. 1638. Art. 11.*

II. That since the office of diocesan, or lordly bishop, is utterly abjured and removed out of this kirk, it is thought fit, that all titles of dignity savouring more of popery than christian liberty, as chapters with their elections and consecrations, abbots, priors, deans, archdeacons, preaching deacons, chanters, sub-chanters, and others having the like title flowing from the Pope, and canon law only, as testifieth the record book of discipline, be also banished out of this reformed kirk, and never be usurped or used hereafter under ecclesiastical censure.—*Act Sess. 23. 24, Dec. 17. 18. Ass. 1638. Art. 19,*

III. All former acts of assemblies against Papists and ex-

* See Confession of Faith, 5.

communicated persons, against haunters with them, and receivers of them, are revived and renewed.—*Act Sess. 22. Aug. 29. Ass. 1639. Art. 6.*

IV. 'Tis appointed, 1. That the assembly supplicate the council for the due execution of the acts of parliament and council against Papists; and craving that the exchequer might be the intromitters with the rents of those who are excommunicated, and that from the exchequer the presbytery may receive the portion of the confiscated goods, which the law appoints to be employed *ad pios usus*. 2. That every presbytery convene all known Papists in their bounds, and require them to put out of their company all friends and servants who are Popish within a month; also within the same space to give their children, sons and daughters, who are above seven years old, to be educated at their charges, by such of their Protestant friends as the presbytery shall approve, and find caution for bringing home within three months, such of their children as are without the kingdom, to be educated in schools and colleges at the presbytery's sight; to find caution likewise of their abstinence from mass, and the company of all jesuits and priests. 3. That all, of whatsoever rank and degree that refuse to give satisfaction in every one of the foresaid articles, be processed without any delay; but that those who give satisfaction, be dealt with all meekness after this manner: The presbytery shall appoint such of their number as they shall find fittest to confer with them, as frequently as the brethren are able to attend, until the middle of October then next; against which time, if they be not willing to go to church; that they give assurance to go and dwell in the adjacent university town, from the first of November, till the last of March, where they shall attend all the diets of conference, which the professors and ministers of the bounds shall appoint to them; by which, if they be not converted, their obstinacy to be declared in the provincial synods of April; and from thence that process shall go on to the very closure, without any further delay. 4. That every presbytery, as they will be

answerable to the next assembly, be careful to do their duty in the premises. 5 That there be given by the members of that assembly, unto the commissioners of the presbytery of Edinburgh, a list of all excommunicated Papists they know, and of all Papists who have children educated abroad that they may be presented, together with a supplication from the assembly, to the council at their next sitting. 6. That the council be supplicated for an act, that in no regiment which goes out of the kingdom, any Papist bear office; and that the colonel be required to find caution for this effect, before he receive the council's warrant for levying any soldiers; and that he find caution for the maintaining of a minister, and the keeping of a session in his regiment, 7. That every presbytery proceed against non-communicants, whether Papists or others, according to the act of parliament made thereanent: And sicklike, that acts of parliament made against profaners of the Sabbath, be put in execution. The presbyteries are ordained to put the foresaid acts in execution with all diligence; and that the commissioners of every presbytery give in a list of the excommunicated Papists within their bounds, and of Papist's children out of the country, to the clerk, that the same might be presented to the council by the commissioners of that assembly.—*Act Sess. 7. Aug. 3. Ass. 1642. Overt. against Papists.*

V. That parents or friends of children or minors, shall, before they send them without the kingdom to be bred, first acquaint the presbytery where they reside, that they may have their testimonial, dictated to the presbytery, or class within the kingdoms of France, England, or Ireland; and at the time of these children's return from any of the said kingdoms, that they report a testimonial from the presbytery or synod where they lived without the kingdom, of their breeding there, and shew the same to that presbytery within the kingdom, who gave them a testimonial at their going away: and all presbyteries are ordained to try, if any children have been sent to popish schools or colleges without the kingdom: and if any be

found, that their names be given to the presbytery or commissioners of the assembly, that the same may be presented to the Lords of secret council, or committee of estates, that their Lordships may be humbly desired by their authority, to recal them; that, after returning to this kingdom, a cause may be taken according to the former ordinances of general assemblies, for their breeding in the true religion.—*Act Sess. ult. June 18. Ass. 1646.*

VI. That all presbyteries of this kingdom observe and practise the rules and directions made in former general assemblies, for preventing the growth of Popery; namely the foresaid overtures against Papists, non-communicants, and profaners of the Sabbath, approven in Ass. 1642^a; and the act anent children sent without the kingdom, made in the general assembly 1646^b: And that they use all diligence for putting in execution the acts of parliament and secret council, made against Papists and excommunicated persons; and that they register their diligences thereanent in the presbytery-books; which are summarily to be recorded in the synod-books, from time to time, that the general assembly may see how these laudable acts are put in execution; which are set down in this act, with some necessary additions in one view:

1. That every presbytery give in a list of all excommunicated Papists they know to be within their bounds, to the commissioners of the general assembly, and of all Papists; yea, of them also who profess to have renounced Popery, but yet have their children educated abroad, with the names of these children that are abroad, according to the foresaid 5th overture of Ass. 1642^a.
2. That every presbytery convene, at their first meeting, all known Papists within, their bounds, and such as, having professed to renounce Popery, have their children abroad; and cause them to find sufficient caution for bringing home, within three months, such of their children as are without the kingdom, to be educated in schools and colleges, at

^a Supra, 4.

^b Supra, 5.

the presbytery's sight, if they be minors; and to be wrought upon by gracious conference, and other means of instruction, to be reclaimed from Popery, if they be come to perfect age.

3. That parents, tutors, and friends of children and minors, before they send them without the kingdom, first acquaint the presbytery where they reside, that they may have their testimonial directed to the presbytery or class within the kingdom or dominion beyond seas, whether they intend to send their children; and at the time of these children's return, that they report a testimonial from the presbytery or synod where they lived without the kingdom, to the presbytery who gave them a testimonial at their going away; according to the act anent children sent without the kingdom anno 1646^a.

4. That all presbyteries give the names of such pedagogues as were abroad with the children of noblemen, within their bounds; and diligently enquire, whether these pedagogues do either become corrupt in religion, or (continuing constant) are removed from their charge, and by whom they are removed; and that they signify these things to the general assembly from time to time, or their commission, that they may represent the same to the high court of parliament, lords of secret council, or committee of estates, for such remedy as shall seem expedient to their honours, for preventing of, and purging the land from the plague of idolatry.

5. That such parents, tutors, or friends, as either send away their children to foreign parts infected with idolatry, without such testimonials as aforesaid, or do not recal them that are already abroad, within such time as is already prefixed, or do remove from them their Protestant pedagogues (that they may be the more easily infected with Popery) be processed; and in case of not amending these things, be excommunicated.

6. That the names of such as are excommunicated for these or any other causes, be sent in to the general assembly from year to year; that from thence their names may be notified in all the kingdom, and that the acts

^a Supra, 5.

of parliament and secret council may be put in execution against them, and all diligence used for that effect; and that by the effectual dealing of the general assembly with the parliament, lords of secret council, and committee of estates, their lordships may enact such further just and severe civil punishments on such excommunicants, for terror to others, as shall be found necessary for purging this covenanted land from all abominations. 7. That all known Papists, or persons suspected of Popery upon probable grounds, find caution before the presbyteries for their abstinence from mass, and from the company of all jesuits and priests, according to the foresaid 2d overture against Papists, anno 1642^a: Also, That presbyteries press them to find such caution; and observe what persons put their sons or daughters to such families as are tainted with Popery within the land, the same being a special mean to corrupt them with idolatry; and cause such parents to recal their children, or else proceed with the censures of the kirk against them. All which overtures, presbyteries are seriously required to observe, with certification.—*Act Sess. 38. Aug. 10. Ass. 1648.*

VII. That presbyteries take special notice what Papists are in their bounds, and that they take pains to reclaim them, and advert how their children are educated; and, if need be, make application to the civil authority concerning them.—*Act 7. Sess. 12. Oct. 29. Ass. 1690. § 2.*

VIII. Recommended to all provincial synods, presbyteries, and kirk-sessions within this national church, to take particular notice of trafficking priests: And appointed, that lists be taken up of their names, and given to the privy council, with an address for executing the laws against them. And recommended to presbyteries, to advert to the education of young noblemen, gentlemen and others, children of popish parents, and to put the above Act 7. Ass. 1690, there anent, in execution.—*Act 9. Ass. 1695.*

IX. The overtures transmitted by Act 16. Ass. 1698^b, ap-

^a *Supra*, 4.

^b Act transmitting Overtures.

proven as follows: 1. That ministers study the Popish controversies more. 2. That all due endeavours be used to unite Protestants among themselves, seeing adversaries get advantage by their divisions. 3. That ministers endeavour faithfully to watch the flock committed to them, and by public preaching, and private instruction, and conference, to prevent apostacy that way. 4. That ministers deal wisely and convincingly with the consciences of those that have fallen into Popery, and other corrupt principles, for their recovery. 5. That when other means are ineffectual, presbyteries proceed to church censures, when they see it may be for the edification of the church. 6. That, according to the aets of former general assemblies and acts of parliament, the names of Popish priests and jesuits, and traffieking Papists, and of those who have sent their children to Popish colleges and countries, be given in to each provinicial synod, and by them transmitted, as Act 6. Parl. 3. Cha. 2. requires. 7. That application be made to the civil magistrate, as often as need requires, for the vigorous execution of the laws against Papists; particularly seminary priests, Popish schoolmasters and mistresses, governors and pedagogues, and Popish meetings; and for seeing to the training up of Popish youths in the Protestant religion.—*Act 8. Ass. 1699.*

X. The assembly judge, That a private acknowledgement of Papists renouneing that religion verbally, is not sufficient to admit them to church privileges; and therefore, appoint, that the reeeption of any that come off from Popery to the communion of this church be the deed of a church-judicatory; and that they subscribe the confession of faith, as the confession of their faith.—*Act 18. Ass. 1700.*

XI. Act declaring, That by judicatories, in the foresaid Act 18. Ass. 1700, is not meant any below a presbytery.—*Act 10. Ass. 1703.*

XII. 'Tis appointed, That presbyteries send lists to the clerks of privy council, conform to the aets of parliament, and proclamation of eouncil thereanent, of all Papists within

their bounds; and that these lists be particular as to the names and designations of the persons who entertain them, and contain the places where they are entertained, and where they preach, and hear, and say mass; and that they be particular as to the evidences, by giving the names and designations of the witnesses: And the commission is appointed to apply to the government, to provide for the security of ministers who come to deal with Papists, in order to bring them off their errors, that they may be protected from violence and injuries that are offered to their persons, by the said Papists, and their friends.—*Act 21. Ass. 1704.*

XIII. Recommended to ministers, to be at pains to dehort people from marrying with Papists, and hold forth the dangerous effects thereof: And the commission is instructed to apply to the parliament for an act, discharging such unequal marriages: And 'tis recommended to presbyteries, to think upon some overtures that may tend to prevent such marriages.—*Act 22. Ass. 1704.*

XIV. Recommended to ministers and congregations in parishes where Popery abounds, to be frequent and serious in fasting and praying to God, for restraining thereof. Act 8. Ass. 1699^a. is renewed: And 'tis further recommended, 1. That diligence be used to plant vacant congregations in these parts that are infected with Popery, with able, pious, prudent, and learned ministers. 2. That ministers frequently commune with, and enquire at their elders, of the case of the people, and of the danger they may be in, and of the trafficking of seducers amongst them, that they may the more timely counterwork them; and that sessions report their diligence therein to their presbyteries. 3. That presbyteries, at each meeting, confer about their danger from Popery, and their duty with respect to it, and what endeavours may be used against it; and record their success: Or, if the infection be growing. 4. That synods in every meeting, enquire at

^a *Supra*, 9.

presbyteries, as to the growth of Popery, and give assistance against it: And, for that end, 5. Send ministers well acquainted with Popish contraverty, to assist ministers in the bounds where Popery prevails, not only to confer with the seduced, but for establishing others, especially persons of more influence and authority. 6. That probationers be sent to assist ministers of large parishes in preaching, that they may have the more time to travel amongst the people: But presbyteries are to take care, that this be not improven for ease and sloth. 7. For making this about probationers practicable and useful, some overtures of the commission 1706, are approv'd: And, in prosecution thereof, 'tis ordain'd, That some probationers, known in Popish contraverty, be sent to those parts where Popery abounds, to travel among the people, under the inspection, and at the direction of the presbyteries of the bounds, and shew them the errors of the church of Rome, and dangers of the same; and to instruct them in the principles of the true reformed Protestant religion, especially in spacious parishes; and that a contribution be made amongst ministers, according to their stipends, and amongst charitable people, for their encouragement. 'Tis recommended to presbyteries, to be more careful in transmitting lists of Papists to the clerks of privy council, with particular informations; and to all church judicatories to apply to the civil magistrate for executing the laws against Papists: And where the concurrence and assistance of supreme judicatures is requisite, the commissions of assemblies are enjoined to name committees to prosecute the same according to law, and to manage the said missions and contributions; and certain rules are laid down for ingathering and applying the foresaid contributions, and directing the missionaries in their work; and directions are given to ministers and presbyteries with respect thereto: And 'tis appointed, That at every synod the names of Papists in the several parishes within their bounds be given in to the clerk of the synod, that their increase and decrease may be known, and suitable provision

made for recovering the seduced, and preventing the seduction of more; and that synods transmit these lists yearly to the commissions of assemblies; and the commissions are enjoined to see to the execution of the above particulars, and to apply to the government for protection and assistance to the missionaries.—*Act 8. Ass. 1707.*

XV. 'Tis recommended to ministers, that in their sermons, and catechisings of the people under their charge, they use all care and diligence in informing them of the abominable errors of the church of Rome, and instructing them in the truths of the reformed religion, and faithfully warning them of their danger from Popery.—*Act 4. Ass. 1708.*

XVI. Ministers and members of kirk-sessions are enjoined to keep a watchful eye over Papists, and to deal with them for their conviction, according to Act 8. Ass. 1707^a, and to give yearly in to the presbytery lists of their names and designations; particularly, of Popish bishops, priests, jesuits, and other traffickers, and of apostates from the true religion; with an account of their Popish meetings, times and places thereof, and witnesses for proving the same; with the names of children under Popish parents, tutors, curators, and governors, and of the nearest Protestant relations of such children; and likewise, of all Papists who keep schools, or teach any science, art, or exercise; and also, of Protestants who keep Popish servants; and of all Papists who have succeeded to lands or heritages within their bounds, since the year 1700; and all other contraveners of the 3d act of parliament held that year: And presbyteries are strictly enjoined to give in yearly, on or before the twenty-first day of February, full information of these things, subscribed by their moderators and clerks, to the justices of the peace, in the several shires within which the said presbyteries lie, and Papists reside or haunt, at their quarter sessions or meetings; and to other judges ordinary, within the bounds of the said presbyteries, in order to due

^a *Supra*, 14.

trial; and to send another authentic copy of the said informations, subscribed as said is, to the procurator or agents for the kirk, to be by them laid before the Lords Justice General, or Justice Clerk, or her Majesty's advocate, or solicitors; and to give in also copies thereof to their synods, according to former acts of assembly: And synods are ordained to call for the same from presbyteries, and record their diligence therein in their books, that the general assembly may see it, and give such orders thereanent as they shall judge proper.—*Act 11. Ass. 1714.*

XVII. The commission is instructed to apply to the Lord Justice Clerk, Lord Advocate or Solicitor, in order to obtain a vigorous execution of the laws against Popery; and informations respecting Popish schoolmasters or mistresses, and Popish factors, and chamberlains, according to the direction of the above Act 11. Ass 1714, are appointed to be sent to the procurator and agents for the church, that they may be prosecuted according to law.—*Act 8. Ass. 1717.*

XVIII. All presbyteries, and particular ministers and kirk-sessions are exhorted to have a watchful eye on the Papists within their bounds, and to take up lists of their names, and send the same to the commission of the assembly, to be laid before his Majesty's advocate, or otherwise used, as they shall see cause; and that they be at all pains to reclaim Papists, and observe what is enjoined for that end by Act. 8. Ass. 1707^a: And presbyteries, in whose bounds there are Papists, are enjoined to give in informations against them, according to Act 11. Ass. 1714^b; and to hold visitations in parishes where Popery abounds, and to enquire into the circumstances thereof, the number of catechisable persons therein, how many of them are Protestants, and how many Papists, and who of them are apostates; as also, what is the length and breadth of such parishes, and what the real rent, and also the valued rent of each heritor extends to; that so it may be known

^a Supra, 14.

^b Supra, 16.

where new erections are practicable, and how much each parish may afford toward the maintenance of schools, conform to law: And 'tis appointed, that at these visitations, the churches and manses be also inspected by tradesmen, in a legal manner; and that where ministers want glebes, grass, or other accommodations, the course prescribed by law be followed; and that an extract of what is done in the premises be sent to the procurator and agents for the church, that diligence may be taken out thereon, according to law: And where schools are wanting in any parish, presbyteries are appointed to make legal intimation to heritors and parishioners, to meet on a certain day, and at a certain place, to stent themselves for a salary to a schoolmaster, and for the needful accommodations to him, as is appointed by act of Parl. 1633, 5, and 1696, 26; and that they appoint a committee to meet with them; and if the heritors and parishioners, and failing the heritors, the greatest part of the parishioners meet, that they proceed to stent, and also to proportion the money laid on: And if they either meet not, or, being met, fail in settling a salary, and providing a house for the schoolmaster, the presbytery is appointed to present a petition to the commissioners of supply, or any five or more of them, with an extract of the valued rent of the parish, and crave that the commissioner's may, in the terms of the foresaid acts of parliament, settle a school: And if the commissioners refuse, or shift the doing of it, that instruments be taken against them, and thereupon a process be commenced before the Lords of Session, who have already, in like cases, provided salaries and houses for schoolmasters: And if, when all this is done, the heritors will not call a schoolmaster, the presbytery is required, after the expiring of one year, to order intimation to be made from the pulpit to the heritors and parishioners, to meet on a certain day, in order to elect and present one to be schoolmaster: And if at that time they do it not, the presbytery is appointed to present one; and after edicts duly published as to him, to admit and settle him: And that where competent stipends are not

provided in parishes where Popery abounds, or where the stipends are paid in small parcels, the presbytery concerned is appointed to cause draw up a state of these stipends, how, and by whom they are paid; and also an account of the real rent of each heritor in such parishes, and send the same to the procurator and agents for the church, who, upon receipt thereof, are ordered to commence processes for settling competent stipends to ministers, where the same is not already done; and the expenses of processes for settling stipends and schools in parishes where Popery abounds, are appointed to be borne out of the church's public money.—*Act 4. Ass. 1719.*

XIX. The commission of assembly is instructed and empowered to do what in them lies, to prevent the growth of Popery, by directing and assisting ministers in those bounds, where Popery prevails, in applying all proper ecclesiastic remedies, particularly these prescribed in the above Act 4. Ass. 1719, and former acts: And all the ministers of this church, especially, in such corners where there are Papists, are appointed to preach against the errors of Popery, and deal seriously with Papists for their conviction; and the commission is empowered to use all suitable endeavours to get the civil remedies now under consideration, brought to some good issue, and to think upon means to get proper books against Popery, put into the hands of the people in those places where Popery prevails, or people are in danger of being perverted; and the draught of a memorial against Popery is approved, and ordered to be sent to the secretary of state to be laid before his Majesty.—*Act 7. Ass. 1720.*

XX. 'Tis appointed, That presbyteries take an account of the number of Papists within their respective bounds, and of Popish priests who haunt among them, and where they hold their meetings; and that they lay the same before the commission in November next, or as soon as they can.—*Act 5. Ass. 1747.*

XXI. The general assembly, express their gratitude to Providence for the privileges enjoyed by this church, and the

security afforded to the Protestant religion by established laws: They declare their attachment to civil and religious liberty, and their desire that liberty of conscience be extended to Protestants of all denominations: But they declare their persuasion, that a repeal of the penal laws now against Popery, would be inexpedient, dangerous, and prejudicial to the best interests of religion and civil society in this part of the united kingdom: They, therefore, express their satisfaction in being assured that the bill for repealing the laws against the growth of Popery in Scotland is laid aside; and confide in the wisdom of the legislature that it will not in future be resumed: They express their strong disapprobation of those lawless mobs, which have disgraced the cause they meant to serve; and recommend to the people under their care to shew the influence of their religion by a quiet and charitable spirit, approving themselves worthy of their civil and religious liberties by a peaceable and moderate behaviour.—*Act 7. Ass. 1779.*

PARISHES.

I. That every minister be obliged to reside in his own parish at his ordinary manse, for the better attending of the duties of his calling, conform to the acts of assemblies, at Edinburgh 1563, 1565, 1572, 1595. This is part of Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. § 5.

II. Referred to the several presbyteries, to consider what is fit to be done, to get some proportion kept in the several parishes within their bounds, both as to number and distance of place.—*Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. Art. 8.*

III. That the principal parishes and places of the realm be provided with men of most worthy gifts, wisdom, and experience.—*Act Ass. 1596, ratified by Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. Art. 9.*

IV. That people be obliged to frequent ordinances in the ordinary diets and parishes, is referred as an overture by *Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. Art. 11.*

V. That in presenting either pastors, readers, or school-masters to particular parishes, there be a respect had to the congregation; and that no person be intruded into any office of the kirk, contrary to the will of the congregation to which they are appointed.—*Act Sess. 23: 24. Dec. 17. 18. Ass. 1638. Art. 20.*

VI. Recommended to the honourable commission for plantation of kirks, to provide real and valid security of competent honest means to ministers in burghs, where they are not sufficiently provided or secured already; and presbyteries are ordained to use all necessary diligence for the prosecuting thereof before the said commission.—*Act Sess. 40. Aug. 11. Ass. 1648.*

VII. Presbyteries are appointed to send into the commission, an account of such ministers and preachers as intrude into parishes, that application may be made to the government, for removing them according to law.—*Act 18. Ass. 1701.*

PARLIAMENT*.

I. Propositions are given by the commissioners of the parliament of England to a committee, to be presented by them to the general assembly, giving an account of the progress made by them towards a reformation, and craving the help of their prayers, and what other aid and assistance they shall think meet.—A declaration of both houses of the parliament of England to the general assembly of Scotland, shewing that they had called an assembly of divines, which was then sitting at Westminster, and that they had sent commissioners from the parliament, with the assistance of some divines of that assembly, both therein named, to treat with the assembly of Scotland, anent public matters relating to the peace and commonweal of both kingdoms, the furthering the work of reformation in England, and a nearer conjunction betwixt both

* See Declaration, 1, 5, 9. Letters, 11.

churches, and entreating that these commissioners might be received with favour and credit in what they proposed: And also, That the assembly of Scotland, according to their promise and resolution, send some godly and learned divines to the assembly in England, for furthering that work; and that the assembly do what they can to procure aid to the parliament against the army of the Popish and prelati- cal party then on foot.—*Sess. 8. Aug. 10. Ass. 1643.*

II. Propositions from both houses of the parliament of England to the general assembly, together with the double of a paper presented by the said commissioners to the convention of the estates of Scotland, entreating their assistance for carrying on the work of reformation; that the two kingdoms may be united into a strict league for effectuating thereof, and that the kingdom of Scotland might send forces to England to assist the parliament against the army of the Papists, prelatists, and malignants, then on foot.—*Sess. 12. Aug. 15. Ass. 1643.*

III. Answers of the general assembly 1643, to the above written declaration of the parliament of England, blessing God for the progress that that parliament had made in the reformation of religion; shewing that they had sent commissioners to propound, treat, and conclude with the assembly of divines now sitting at Westminster, and any committees to be deputed by both houses of parliament, in all such things as may conduce to the utter extirpation of Popery, prelacy, heresy, schism, superstition, and idolatry, and for settling the so much desired union of the whole island in one form of church government, one confession of faith, one common catechism, and one directory for the worship of God; and shewing their desire to be united and associated with England in a nearer league and solemn covenant, for maintaining the true reformed religion and unity, and uniformity therein, betwixt the kirks of this island, and that they had approved a draught and form of that covenant, expecting the like approbation of the parliament and assembly of England, that thereafter it may be solemnly sworn to and subscribed in both king-

doms; and promising not to be negligent in exhorting all others to their duty, or in concurring, so far as belongs to their place and vocation, with the estates then convened in any lawful and possible course, which may most conduce to the good of religion and reformation, the King's honour and happiness, and the deliverance of their brethren in England, from their present calamitous condition.—*Sess. ult. Aug. 19. Ass. 1643.*

IV. Presbyteries and ministers *respective* are ordained to be diligent, by all means, in procuring the full exact execution of all acts of Parliament made against non-communicants, and excommunicated persons, and other acts containing pecunial pains for restraining vice, and advancing piety, and for uplifting the said penalties contained in the same, and for the faithful employment thereof upon pious uses; and presbyteries are to report their diligence therein yearly to the general assembly.—*Act. Sess. 7. June 4. Ass. 1644.*

V. Such as have been instruments of publishing the Marquis of Montrose's proclamation for editing a pretended parliament, or any such proclamation, and declaration, are declared to deserve the highest censures of the kirk, unless they make humble confession of their offence publicly, in such manner as is prescribed by that assembly; and recommended to the committee of estates, to take some course for their exemplary civil punishment; and that some public note of ignominy be put upon that proclamation.—*Sess. 14. June 17. Ass. 1646.*

VI. Recommended and ordained, that presbyteries diligently endeavour, that Act of Parliament 1645, 9, concerning the uplifting of pecunial pains to be employed upon pious uses, be put in due execution within their several bounds: As also, that the acts of Parliament against excommunicated persons, especially Act of Parliament 1647, 20, be also carefully executed, and that they cause use all diligence to that effect, and that account thereof be required in provincial and general assemblies.—*Act Sess. 25. Aug. 28. Ass. 1647.*

VII. Appointed, That the act of Parliament against mur-

dering children be read from the pulpits of each parish, in this church, at least twice every year, and that presbyteries, at their privy censures, make enquiry if the same be done; and further appointed, that the several ministers of the church cause the said to be engrossed in their session records, that it may be always at hand, and not lost.—*Act 4. Ass. 1742.*

PLACES CIVIL *.

Declared, That as on the one part, the kirk and ministers thereof are obliged to give their advice and good council in matters concerning the kirk, or the conscience of any whatsoever, to his Majesty, to the parliament, to the council, or to any member thereof for their resolutions from the word of God; so on the other part, that it is both inexpedient and unlawful in this kirk, for pastors separated unto the gospel, to hold civil places and offices, as to be justices of peace, sit and determine in council, session, or exchequer, to side or vote in parliament, to be judges or assessors in any civil judicatory; and all contrary acts of assembly are rescinded and annulled; and namely the act of assembly 1600, which being pressed by authority, did rather for an *interim* tolerate the same, limited by many cautions, than in freedom of judgment allow thereof, and presbyteries are ordained to proceed with the censures of the church, against such as should transgress therein in time coming.—*Act Sess. 25. Dec. 19. Ass. 1638.*

PRAYER †.

- I. A diet set apart for prayer.—*Act 4. Ass. 1690.*
- II. Another.—*Act 2. Ass. 1694.*
- III. Another diet for prayer.—*Act 4. Ass. 1695.*
- IV. Another diet set apart for prayer *Act 5.* and observed *Act 6.* of the same *Ass. 1695.*

* See Evils of the Kirk, &c.

† See Profaneness, 4. § 2. Psalms, 8. Ministers Corruption in Office, § 5. in person, § 6. Remedies of the Corruptions of Ministers, § 9.

V. Recommended unanimously to all the ministers of this church, That, in their public prayers, after praying for her Majesty Queen Anne, they expressly mention the Princess Sophia, Electress and Duchess Dowger of Hanover, and the Protestant line in that family upon whom the succession of the crown of these dominions, is by law established; or that they pray in such terms, as their congregation may understand that they mean the Princess Sophia, and the heirs of her body being Protestants.—*Act 4. Ass. 1711.*

VI. Enjoined on all the ministers of this church, That they pray for her royal highness the Princess of Wales, as well as for the King and royal family.—*Act 5. Ass. 1736.*

VII. Enjoined on ministers, That they pray for her royal highness the Princess of Wales, as well as for his Majesty King George, his royal consort the Queen, his royal highness the Prince of Wales, and all the royal family; and, that her royal highness the Princess of Wales be named immediately after the Prince.—*Act 6. Ass. 1795.*

PREACHING *.

I. All persons discharged to preach in public, under the name and notion of an expectant, or under any other pretence whatever, except such as shall be tried and found qualified according to the acts of the general assembly; and recommended to presbyteries and provincial synods to take special notice thereof, and to censure the transgressors accordingly.—*Act Sess. 14. June 17. Ass. 1646.*

II. Recommended to the care of ministers, that besides their ordinary work of catechising, they also preach catechetical doctrine, at such times, and in such manner, as they shall find most conducive to the edification of their flocks.—*Act 18. Ass. 1695.*

III. Recommended to the several ministers of this church, punctually to observe the acts of former general assemblies,

* See Remedies Particular Ecclesiastic of Sins, 1. Bursars, 21.

for preaching catechetical doctrine; and that in their catechetical sermons, they more especially insist upon the great and fundamental truths, according to our confession of faith and catechisms; such as the being and providence of God, and the divine authority of the scriptures; the necessary doctrine of the ever blessed Trinity in the unity of the Godhead; particularly, the eternal Deity of our Lord and Saviour Jesus Christ, and the satisfaction to divine justice made by him, who is our only propitiation; regeneration by efficacious grace; free justification through our blessed surety the Lord Jesus Christ, received by faith alone; and the necessity of a holy life, in order to the obtaining of everlasting happiness; and that they be constant and instant in their prayers to God, that, through his blessing upon their labours, their flocks may be preserved from the infection of dangerous errors, and engaged to maintain a conversation becoming the gospel of our Lord and Saviour Jesus Christ, who is God over all blessed for ever.—*Act 8. Ass. 1720.*

IV. Recommended to all ministers and preachers, seriously to observe and consider the directory of this church concerning the preaching of the word, approved by general assembly 1645^a: And in particular, That they be careful to warn their hearers against any thing tending to Atheism, Deism, Arianism, Socinianism, Arminianism, Bourignianism, Popery, Superstition, Antinomianism, or any other errors; and that in their sermons they insist frequently upon the truth, necessity, and excellency of supernatural revelation, the Supreme Deity of the Son and Holy Ghost, as well as the Father, together with the oneness of the Godhead, our sinful state by nature, the necessity of grace, and of faith in Christ; and that they make it the great scope of their sermons to lead sinners from a covenant of works to a covenant of grace for life and salvation, and from sin to Christ: And 'tis recommended to all who preach the gospel, when they handle the doctrine of God's redeeming love, and

^a Directory for Worship, 2. 4.

of his free grace in the justification of sinners, the blessings of the Redeemer's purchase, and the privileges of the new covenant, to study so to manage these subjects, as to lead their hearers into an abhorrence of sin, the love of God and of our neighbour, and the practice of universal holiness, seeing it is one great end of the gospel to destroy the works of the Devil, and to teach men to live soberly, righteously, and godly in this present world. Upon which account it is incumbent on all who preach the gospel, to insist not only upon the necessity and excellency of faith in Jesus Christ for salvation, but also upon the necessity of repentance for sin, and reformation from it, and to press the practice of all moral duties, both with respect to the first and second tables of the law, as indispensably necessary in obedience to God's command, to testify our gratitude to him, to evidence the sincerity of our faith, for the benefit of human society, adorning the profession of religion, and making us meet for eternal life, seeing without holiness no man can see the Lord. And 'tis seriously recommended to all ministers and preachers of the gospel, That in pressing moral duties, or obedience to the law, they shew the nature and excellency of gospel holiness, and inforce conformity to the moral law, both in heart and life, not from principles of reason only, but also, and more especially, of revelation: And in order thereto, it is necessary to shew men the corruption and depravity of human nature by their fall in Adam, their natural impotence for, and aversion to what is spiritually good, and lead them to the true and only source of all grace and holiness, viz. union with Christ, by the Holy Spirit's working faith in us, and renewing us more and more after the image of God: And to let their hearers know, that they must first be grafted into Christ as their root, before their fruit can be savoury unto God; that they must have a new principle to animate, and a new end to direct them before their actions become gracious and acceptable in the sight of God: And that they teach them the necessity of living by faith on the Son of God, in a constant looking to, and dependence upon him, as the great au-

thor of all gracious influences for the performance of every duty; and withal, that after their best performances and attainments they must count themselves but loss and dung, in point of justification before God; and to make it their great desire only to be found in Christ, and his righteousness: And that ministers in application of their sermons, endeavour rightly to divide the word of truth, speaking distinctly to such various cases of the converted and unconverted, as arise natively from the subject they have been handling: And that in the whole of their discourses, they take care to suit themselves to the capacity of their hearers, as to method, matter, and expression, and to the prevailing sins of the time and place, with all prudent and zealous freedom and plainness: As also, that they make gospel subjects their main theme and study, and press with all earnestness the practice of moral duties in a gospel manner: And that they forbear delivering any thing in public, that may tend more to amusement than edification, and beware of bringing into their sermons and public discourses, matters of doubtful disputation, which tend to engender strife, rather than promote the edification of Christians: And all are exhorted to study to maintain the unity of the spirit in the bond of peace: And finally 'tis recommended to all professors of divinity, to use their best endeavours to have the students under their care well acquainted with the true method of preaching the gospel as above directed; and that presbyteries at their privy censures, enquire concerning the observation of this *Act 7. Ass. 1736.*

V. Recommended to ministers to instruct the people under their care, and for that purpose to preach expressly, at least four Lord's days every year, on the principles of pure Christianity opposite to the errors and corruptions of Popery, and on the grounds and reasons of the reformation, and the principles on which the late glorious revolution, and our present happy establishment, are founded.—*Act 4. Ass. 1749.*

 PRESBYTERIES *.

I. All presbyteries erected since the year 1586 are ratified, and new presbyteries are erected according to a particular note registered in the books of assembly.—*Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. § 1. 2.*

II. That absents from presbyteries be censured.—*Act id. Art 3.*

III. Declared, That the power of presbyteries, and of provincial and general assemblies hath been unjustly oppressed, and never lawfully abrogated; and therefore, that it hath been most lawful to them (notwithstanding any point unjustly objected by the prelates to the contrary) to chuse their own moderators and to exercise all the parts of ecclesiastical jurisdiction, according to their own limits appointed them by the kirk.—*Act Sess. 13. Dec. 5. Ass. 1638.*

IV. Presbyteries are ordered to meet weekly, both in summer and winter, except in places far distant, who during the winter season, *i. e.* betwixt the 1st of October, and the 1st of April, are dispensed with, for meeting once in the fourteen days: And all absents are to be censured, especially those who should exercise and add, according to the act of assembly 1582: And that some controverted head of doctrine be handled in the presbytery publicly, and disputed among the brethren, every first presbytery of the month; according to Act 12. Ass. 1598, held at Dundee.—*Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. § 2.*

V. Declared, that presbyteries have power to admit ministers, and choose their own moderators.—*Ibid. § 7.*

VI. That correspondence be kept amongst other presbyteries constantly by letters, without prejudice to the personal

* See Kirk, 2. Remedies of the Corruptions of Ministers, § 2. 7. Army. Bursars. Correspondence. Depositing and Reponing of Ministers. Papists. Confession of Faith, 1. 7. 8. Marriage, 5. Commissioners to Assemblies. Dissenting Voices Provincial Assemblies.

correspondence when need requires, that one presbytery may understand what many are doing, and that they may be mutually assisting to each other.—*Act Sess. ult. June 18. Ass. 1646. Art. 1.*

VII. The ministers of different presbyteries associating in presbyteries allowed and approved, aye and until the vacancies of the said presbyteries be filled; and they are declared to have the authority and power of presbyteries respectively; and that notwithstanding, according to the old platform, the said ministers do reside in the bounds of different presbyteries. *Act 8. Ass. 1690.*

VIII. Recommended seriously to all the presbyteries within the church, to set up the use of the exercise and addition; as also, that of privy censures, conform to the ancient practice of this church; and their diligence therein is appointed to be recorded in their respective registers: And recommended to the several presbyteries, that they be careful to keep and maintain bursars of theology, conform to the ancient practice, and the acts of former assemblies.—*Act 17. Ass. 1694.*

IX. All presbyteries and synods are required to be careful in revising the registers of the judicatures under their immediate inspection, and that they appoint a competent number of the most fit and experienced ministers for that work; and when they find nothing to challenge in any register, they give the same the attestation following: “ The presbytery of
“ ———, having heard the report of those appointed to re-
“ vise the session-book of ———, and having heard the re-
“ marks thereupon, and the said session’s answers thereto:
“ And having enquired by the moderator; if any other had
“ any complaints to make against the actings of that session,
“ and nothing appearing censurable, ordered the clerk to at-
“ test this in their session-book.” And so for the registers of provincial synods and presbyteries, *mutatis mutandis*; but if there be any thing truly censurable in the said book, and in itself material, with respect to discipline, that it be record-

ed as censured, both in the book, and attestation.—*Act 9. Ass. 1700.*

PRINTING *.

I. All persons within the kingdom are discharged and prohibited, to print any act of the former assemblies, or any of the acts or proceedings of that assembly, any confession of faith, any protestation, any reasons *pro vel contra* anent the present divisions and contraversies of this time, or any other treatise whatsoever, which may concern the kirk of Scotland, or God's cause in hand, without warrant subscribed by Mr Archibald Johnston, as clerk to the assembly, and advocate for the kirk; or to reprint, without his warrant, any acts or treatises foresaid, which he hath caused others to print, under the pain of ecclesiastical censures, to be executed against the transgressors, by the several presbyteries; and in case of their refusal, by the several commissions from this assembly: Whereunto civil authority is also expected.—*Act Sess. 26. Dec. 20. Ass. 1638.*

II. All persons are prohibited and discharged to print any petition, address, appeal, reasons, or answers, or any part of any process to be brought in to the general assembly, or any other church judicatory, without leave given by the respective presbyteries, before whom the same is in dependance; with certification, that no respect shall be had thereto, by reading or considering the same, in case they contravene this *Act 17. Ass. 1700.*

III. 'Tis enacted and declared, That in case parties concerned in processes brought before the judicatories of this church, shall think fit to print states of their case, or other papers relating to said processes, it is only under these restrictions, viz. That a written copy of such printed papers be given in to the clerk of the judicatory subscribed by the party or his commissioner, to the end, that if any thing that is false,

* See Papists, 1. 6. 9. § 6. 7. 16. Acts of Assembly, 4. 5. 8.

or not instructed, be therein inserted, or any indecent expressions used, the subscriber may be censured according to the demerit of his fault: And parties are discharged to disperse, or the members of the church judicatories to regard any printed paper concerning matters depending before them, not subscribed in the terms of this *Act* 6. *Ass.* 1727.

PROBATIONERS *.

I. All oaths and subscriptions exacted by prelates of intrants to the ministry, preceding the date of this act, are declared unlawful, and no ways obligatory.—*Act Sess.* 13. *Dec.* 5. *Ass.* 1638.

II. That none be admitted to the ministry, before they be twenty five years of age; except such as, for rare and singular qualities, shall be judged, by the general and provincial assembly, to be meet and worthy thereof; and Act of *Ass.* 1582, to that purpose is renewed by *Act Sess.* 23. 24. *Dec.* 17. 18. *Ass.* 1638. *Art.* 13.

III. In the trial of expectants before their entry to the ministry, it being notour, that they have subscribed the confession of faith then declared in that assembly, and that they have exercised often, privately and publicly, with approbation of the presbytery; they shall first add, and make the exercise publicly, and make a discourse on some common head in Latin, and give propositions thereupon for dispute; and thereafter be questioned by the presbytery upon questions of controversy and chronology, anent particular texts of scripture, how they may be interpreted, according to the analogy of faith, and be reconciled; and shall be examined upon their skill of the Greek and Hebrew; and they are to bring a testificate of their life and conversation from their college or presbytery, where they reside.—*Act Sess.* 23. 24. *Dec.* 17. 18. *Ass.* 1638. *Art.* 23.

* See Confession of Faith, 7, 8. Ministers, 11. Profaneness, 4. § 4. Highlands, 17. 19. 23. 26. 30. Ordination of Ministers, 4, 7, 10.

IV. That all ministers or intrants presented to kirks, be tried before their admission, if they be qualified for the places to which they are presented; besides the ordinary trial of expectants, before their entry to the ministry.—*Act Sess. 22. Aug. 29. Ass. 1639. Art. ult.*

V. That expectants, refusing to subscribe the covenant, be declared incapable of a pedagogy, teaching a school, reading in the kirk, or preaching within a presbytery; and shall not have liberty of residing within a burgh, university or college; and if they continue obstinate they shall be processed.—*Act Sess. 10. Aug. 5. Ass. 1640.*

VI. That, 1. No expectant be permitted to preach in public before a congregation, till first he be tried after the same manner, howbeit, not altogether with that accuracy, which is enjoined by the act of Ass. Dec. 1638^a. which prescribes the order and manner of trial that is to be kept with those, that are to be admitted to the holy ministry; and that none, so tried, do preach in public, without the bounds of the university or presbytery where he past trials, till first he make it known to the other presbytery, where he desires to be heard, by a testimonial from the university or presbytery where he lived, that he hath been of an honest conversation, and passed his trials conformed to the order here prescribed; which being done in the meeting of the province or presbytery where he desires to be heard, he is to be allowed by them to preach within the bounds of the province or presbytery, without any further trial to be taken of him. 2. Expectants being educated in a college that was corrupt, or under a corrupt ministry, if they themselves have been known to have been tainted with error, or opposite to the covenant and the blessed work of reformation within this kirk, the same order is to be kept in admitting them to the holy ministry, or to any place in the colleges or schools of this kingdom, that was ordained to be kept in the admission of these ministers who fled out of the

^a *Supra*, 3.

country, and shewed themselves opposite to the covenant and reformation.—*Act Sess. 15. Aug. 7. Ass. 1641. Art. 2. 3.*

VII. The meaning of *Act Sess. 22. Aug. 29. Ass. 1639^a*, is declared not to be, that an actual minister to be transported, shall be tried again by the trials appointed for the trial of expectants, at the entry to the ministry, according to the acts of assembly; but only, that he, bringing a testimonial of his former trials, and of his abilities and conversation from the presbytery from whence he comes, and giving such satisfaction to the parishioners and presbytery whereto he comes, in preaching, as the presbytery finds his gifts fit, and answerable for the condition and disposition of the congregation where he is presented: Because, according to *Act of Assembly 1596*, renewed by *Act 1638, Art 9^b*, some that are meet for the ministry in some places, are not meet for all alike; and universities, towns, and burghs, and places of noblemen's residence, or frequency of Papists, and other great and eminent congregations, and sundry other cases, require men of greater abilities, than will be required necessarily in the planting of a private small parish: the leaving of the consideration of these places to the judgment of the presbytery, was the only intention of the act: And the said act, according to the foresaid meaning, is ratified and approven.—*Act Sess. 6. Aug. 2. Ass. 1642.*

VIII. Ordained, That every presbytery give up yearly to their synods, a roll or list of the ablest of their expectants, who have undergone due trials, and after trials have been upon public exercise, at least, for the space of half a year, or longer, as the presbytery shall find necessary, or even of actual ministers; and that the synods elect out of these rolls, such persons whom they in certain knowledge, judge most fit for the ministry, and worthiest of the first place; and synods are impowered to add to, or alter these rolls given by the presbyteries, as they shall think reasonable; and that synods send the rolls

^a *Supra*, 4.

^b *Ministers*, 1.

made by them in this manner to the next assembly, who shall also examine the rools of the synods, and add to or alter the same, as shall be thought expedient; which roll made by the assembly, shall be sent to every presbytery; and that the presbytery, with consent of the most or best part of the congregation, make a list of six persons willing to accept of the presentation, out of that roll of the assembly, upon every occasion of vacation of any kirk within their bounds, and shall send the same, together with a blank presentation (if his Majesty be patron of the parish) by the procurator or agent of the kirk, to such as the commissioners of the general assembly, or, in their absence, the presbytery of Edinburgh, shall direct, and think at that time most able and willing to obtain the presentation to be signed, and filled up by his Majesty's choice of one of the list; and if the vacant kirk be of a patronage disposed by his Majesty since the 3d of January, in that case, that either the presbyteries themselves send a list of six persons in manner foresaid, with a blank presentation to the patron, to be filled up by his choice, or send the same to the said officers of the kirk, to be conveyed by them to the patron of the vacant kirk, as the presbytery shall think most expedient; and that expectants thus presented, be again duly tried before their admission: And for the better discovering of the right and interest of the kirk, and presbyteries in kirks, whereof gifts of patronage may be presented to the exchequer, every presbytery is ordained, with all diligence, to use all means of exact trial of the nature and quality of all kirks within their bounds; as, what kirks belong to the King's patronage, and what to other laick patronages, what kirks of old were planted by presbyteries, and what by prelates and bishops before the assembly at Glasgow, in 1638; what hath been the way and time of the change of the planting and providing of kirks, if any have been changed, or any other thing concerning the nature and quality of every kirk within their bounds, and to send the same to the procurator of the kirk with all diligence.—*Act Sess. 7. Aug. Ass. 1642.*

IX. In respect of the difficulty of obtaining six able and well qualified persons to be put into the list to his Majesty, for every vaiking kirk, in his majesty's presentation, recommended to his Majesty's commissioner, and undertaken by him, to represent to his Majesty; that it is the assembly's humble desire, that he would be pleased to accept of three, for kirks in the Lowlands, and of any one qualified man, having the Irish language, for kirks vaiking in the Highlands; and recommended to every presbytery, to advise upon the best ways and means, for providing and planting vacant kirks, that all occasions of contests, and differences among patrons, presbyteries, and parishes, might be removed, and report to the next assembly.—*Sess. ult. Aug. 19. Ass. 1643.*

X. That for the better breeding of young men to the ministry, who are not able to furnish themselves in charges to attend the universities, the presbyteries where they reside, are to appoint some to direct their studies.—*Act Sess. ult. June 18. Ass. 1646. Art. 2.*

XI. Recommended to the commissioners for public affairs, to seek redress from the parliament in relation to the great burdens intrants undergo when they enter the ministry, which hold many of them long at under, and that ministers' manses and stipends may be all made free to the intrant: And they are appointed to consider of some fitting overtures, to be presented to the parliament for that effect.—*Sess. ult. June 18. Ass. 1646.*

XII. All former acts for trial and admission of intrants to the ministry, especially act 13^a and 23^b of Act Sess. 23. 24. Dec. 17. 18. Ass 1638. and Act Sess. 7. Aug. 3. Ass. 1642^c. are revived; and presbyteries are ordained to observe the same in all time coming.—*Act Sess. 27. Aug. ult. Ass. 1647.*

XIII. That no presbytery admit any person to trial, in order to preaching, but such as are of sound principles, and of a sober, grave, prudent, and pious behaviour, and of whom they

^a Supra, 2. ^b Supra, 6. ^c Supra, 8.

have ground to conceive good hopes that they shall be useful and edifying in the church: And for this end 'tis appointed, That such persons shall produce before the presbyteries who admit them to trial, sufficient testimonials from the ministers of the parishes where they lived, and from the presbyteries in whose bounds they reside, and also from the professors of divinity, where they may have attended the profession for some time: And if the said persons come from a place where there is no presbytery yet constituted according to the legal establishment, they shall produce testificates from the next adjacent presbytery, who are to inform themselves concerning their principles and behaviour, and to testify of them accordingly. And appointed, That when such persons are first licensed to be probationers, they shall oblige themselves to preach only within the bounds, or by the direction of that presbytery which licensed them; and they shall also, by promise and subscription, engage themselves to be subject to that presbytery which licensed them, or to any other church judicatory, wherein by Providence they shall have their abode, for shorter or longer time; and that they shall follow no divisive course: And this their engagement shall be inserted in the body of their license. And further 'tis appointed, that when they are removing from that presbytery which licensed them, they shall carry with them an extract of their license, and a testimonial from the presbytery of their carriage; which they are to present to the presbytery to which they come, or at least, to some minister therein, before they preach within that bounds; and which minister is not to employ them, except in his own pulpit, until he give notice thereof to the presbytery at their next meeting, and have their allowance. 'Tis also appointed, That the presbytery to which the said probationers do so come, shall require the same subjection and orderly carriage from the said probationers, during their abode in that bounds, to which they were engaged to the presbytery by which they were licensed: And if they go to any place where a presbytery is not yet constituted according to the le-

gal establishment, they shall be obliged before they preach in that bounds, to make their address to the next adjacent and legally established presbytery, to whom they shall be subject, and by whom they shall be directed as aforesaid: And in case the said probationers shall malverse in doctrine or conversation, they shall be accountable to, and censurable by the said respective judicatories, as they shall see cause: And if the said probationers refuse subjection, or prove contumacious to such censure, whether of reproof, suspending from the exercise of their license, or of recalling the said license; intimation shall be made thereof by the said judicatories, to the neighbouring judicatories, or where they shall understand the said probationers are; that so none may employ them to preach, nor their after irregularities be imputed to the presbyteries that licensed them, or where they afterwards had their abode. And 'tis provided and declared, That the foresaid probationers are not to be esteemed, by themselves or others, to preach by virtue of any pastoral office, but only to make way for their being called to a pastoral charge.—*Act 10. Ass. 1694.*

XIV. Recommended seriously to all presbyteries, that they fix no preachers or intrants, having the Irish language, in any congregation within the Lowlands of Scotland, without the consent of, and a certificate from the presbyteries in the Highlands where they formerly resided.—*Act 21. Ass. 1694.*

Nota. This act was to continue till the Highlands were completely provided with ministers.

XV. That all probationers who apply to presbyteries, bring not only sufficient testimonials, but also a letter from a known person to the presbytery, and that the presbytery write them from whom the testimonials come (if need be) to know the verity thereof.—*Act 13. Ass. 1695.*

XVI. Appointed, That strict enquiry be made into the piety, gravity, prudence, sobriety, orthodoxy, and learning of such as are offered to presbyteries, in order to passing their trials, and that such be rejected as have not sufficient testi-

monials from universities, of their good behaviour and sufficiency (and that the usual school degrees be enquired after, though not made a necessary qualification), or at least should not be found to have retrieved their lost time at schools, by their after diligence: As also, that such as are esteemed to be vain or imprudent, or proud, or worldly minded, by the generality of sober intelligent persons, who converse with them, shall be kept back from that work. Recommended to professors of divinity, that they require of such students as they employ in any exercises, testimonials from universities where they have studied, and places where they have lived. Required, that none be licensed to preach, or be ordained to the ministry, unless they give good proof of their understanding Greek and Hebrew: And recommended to all candidates for the ministry, to study also the other oriental languages, especially the Chaldaic and Syriac, so far as they can: Also recommended, that they be tried not only in the great controversies in religion, but also in the controversies concerning the government and discipline of this church.—*Act 22. Ass. 1696.*

XVII. Appointed, That the commissioners from the several presbyteries within this church bring in an account to the general assembly yearly, of all the students of divinity, who have passed their trials in order to the ministry, from one assembly to another: As also, of all others who have not passed trials, that have an eye to the holy ministry, and attend the lessons of the several professors of divinity in the universities, and perform the exercises enjoined them there, that a roll may be made of them, and their names read in open assembly, and recorded in the registers thereof.—*Act 3. Ass. 1697.*

XVIII. Appointed, That strict notice be taken of such as pass their trials in order to the ministry; and for that end, all former acts of assembly made in relation thereto, and in particular, the article allowed by the general assembly 1596, and approved in the general assembly 1638, Art. 3. Sess. 7^a.

^a Supra, 3.

renewed Sess. 27. Aug. ult. Ass. 1647^b. anent the age of such; as also, Act 10. Ass. 1694^c. and Act 22. Ass. 1696^d. are all ratified and revived: And further ordained, that the catechetic trials be not perfunctorily gone about; and that presbyteries appoint some of their number to examine them in their own presence, upon the several heads of divinity, and the government of the church, and to know what reasons they can give of their faith, and sentiments in these matters; and if they can answer some principal objections, and that previously to all other parts of their trials: And that this be not done hastily, but that a particular competent time be allowed for that purpose; and that there be one trial also given to probationers, of their gifts as to lecturing: And all the several synods are required and enjoined, at their privy censures, to make strict enquiry, how the presbyteries within their bounds have observed this, and other acts of assembly made to this purpose.—*Act 10. Ass. 1704.*

XIX. Recommended seriously to the several presbyteries of this church, to keep a watchful eye over all students of theology, and to be careful that none be licensed to preach, or admitted into churches, but such as shall give evidence of their orthodoxy, by signing the confession of faith, approven by former assemblies of this church, and ratified by law in the year 1690, as the confession of their faith; of their good affection to the government of church and state; of their peaceable principles and disposition, by engaging to observe good order, in conjunction with, and due subjection to, the judicatories of this church; and of their literature, by abiding a strict trial; and shall own the presbyterian church government of this church to be agreeable to, and founded upon, the word of God; and promise never to endeavour, directly or indirectly, the prejudice or subversion thereof, according to former acts of assemblies thereanent.—*Act 16. Ass. 1705.*

XX. The punctual observance of all acts already made,

^b *Supra*, 12.

^c *Supra*, 15.

^d *Supra*, 16.

concerning probationers or intrants to the ministry, is seriously recommended to all presbyteries; and some overtures, about licensing probationers, and the trial of them, or intrants to the ministry, are transmitted, and the observance of them recommended, until the next assembly.—*Act 13. Ass. 1708.*

XXI. Enacted, that none be admitted to trials, in order to be licensed, but such as have attended the profession of divinity for six years, or have closely followed the study of divinity and of the languages, for that space at least, after they have passed their course of philosophy at the college, and made proficiency therein, in case their circumstances did not allow them to attend the profession; though it were to be desired that they should attend the profession of divinity much of that time; but this is not extended to students having the Irish language; providing that before any presbytery license such students within the said first six years, they first consult the general assembly, or the commission thereof, in the matter. And 'tis further ordained, That none be licensed in any presbytery, except they have resided therein for the space of six years, or produce to them sufficient testimonials from the presbyteries in whose bounds they have last, or for the most part resided, bearing expressly, that it is the desire of these presbyteries, that these students should be entered upon trials: And such students as come from abroad, shall produce satisfying testimonials from the professors under whom they studied; and the time of their being abroad shall be accounted a part of the said six years; but none of these students shall be entered on trials for the space of a whole year after they come to Scotland: And 'tis also ordained, That, the above space of six years being expired, and testimonials produced in manner foresaid, the presbytery which is to take trial of these students, shall, before they enter them upon trials in order to be licensed, write letters to all other presbyteries within the synod, acquainting them with their design; and at the next meeting of the synod, they shall also acquaint the synod thereof, and

obtain their special advice and judgment in that particular. And the punctual observance of all acts already made concerning probationers and intrants to the ministry, is seriously recommended to all presbyteries; and that, before any presbyteries receive any upon trials, in order to his being licensed, three or four of the number be appointed to converse with him, and to take trial of his orthodoxy, knowledge in divinity; particularly, the modern controversies, and other necessary qualifications for the ministry, and what sense and impression he has of religion upon his own soul; and that they make report of their diligence herein, before the presbytery admit him to the probationary trials. And presbyteries are discharged to put the call of any parish into the hand of the probationer called; and they are appointed to keep the same still in their own hands, until the said probationer's trials be over, and that the presbytery be fully satisfied both as to his sufficiency and fitness for that parish: And certain questions are appointed to be put to all such as pass trials in order to be licensed; as also to such as shall be ordained ministers, or admitted to any ministerial charge or parish: And a *Formula* is set down, which they are appointed to subscribe before they be licensed, ordained, or admitted respectively: And the licensing, ordaining, or admitting any who shall not give satisfying answers to these questions, and subscribe the *formula* here subjoined, is prohibited and discharged.—Follow the

Questions to be put to probationers.—1. Do you believe the Scriptures of the Old and New Testament to be the word of God, and the only rule of faith and manners? 2. Do you sincerely own and believe the whole doctrine of the confession of faith, approved by the general assemblies of this national church, and ratified by law in the year 1690, and frequently confirmed by divers acts of parliament since that time, to be the truths of God contained in the Scriptures of the Old and New Testament? And do you own the whole doctrine therein contained as the confession of your faith? 3. Do you sincerely own the purity of worship presently authorised and

practised in this church, and asserted in Act 15. Ass. 1707 ^a, intituled, Act against innovations in the worship of God? And also own the Presbyterian government and discipline, now so happily established in this church? And are you persuaded, That the said doctrine, worship, discipline, and church-government are founded upon the holy Scriptures, and agreeable thereto? 4. Do you promise, That, through the grace of God, you will firmly and constantly adhere to, and in your station, to the utmost of your power, assert, maintain, and defend the said doctrine, worship, discipline, and the government of this church by kirk-sessions, presbyteries, provincial synods, and general assemblies? 5. Do you promise, That in your practice you will conform yourself to the said worship, and submit yourself to the said discipline and government of this church, and shall never endeavour, directly or indirectly, the prejudice or subversion of the same? 6. Do you promise, That you shall follow no divisive courses from the present establishment of the church? 7. Do you renounce all doctrines, tenets or opinions whatsoever, contrary to, or inconsistent with the said doctrine, worship, discipline, and government of this church? 8. Do you promise, That you will subject yourself to the several judicatures of this church?—Follows the

Formula.—I, ——, do hereby declare, That I do sincerely own and believe the whole doctrine contained in the confession of faith approven by the general assemblies of this national church, and ratified by law in the year 1690, and frequently confirmed by divers acts of parliament since that time, to be the truths of God; and I do own the same as the confession of my faith: As likewise, I do own the purity of worship presently authorised and practised in this church; and also, the presbyterian government and discipline, now so happily established therein; which doctrine, worship, and church-government, I am persuaded, are founded upon the word of God, and agreeable thereto: And I promise, That

^a Innovations.

through the grace of God, I shall firmly and constantly adhere to the same; and, to the utmost of my power, shall, in my station, assert, maintain, and defend the said doctrine, worship, discipline, and government of this church by kirk-sessions, presbyteries, provincial synods, and general assemblies; and that I shall in my practice, conform myself to the said worship, and submit to the said discipline and government; and never endeavour, directly or indirectly, the prejudice or subversion of the same: And I promise, That I shall follow no divisive course from the present establishment in this church; renouncing all doctrines, tenets, and opinions whatsoever contrary to, or inconsistent with the said doctrine, worship, discipline and government of this church.—*Act 10. Ass. 1711.*

XXII. For explication of the above Act 10. Ass. 1711, 'tis declared to be fit, That, before one presbytery grant a recommendation or desire to another presbytery, for entering a student of divinity upon trials, they take the usual private trials appointed by the said act to be taken of such students, as if they were to be passed before themselves.—*Act 10. Ass. 1713.*

XXIII. The strict observation of Act 5. Ass. 1705 ^a, and of Act 10. Ass. 1711 ^b, and other acts of assembly, about trying and licensing probationers, is seriously recommended to all professors of divinity, and presbyteries within this church: And 'tis further recommended to presbyteries, That they cause read to the young men about to be tried, the engagements required by the said Act 10. Ass. 1711 ^b, of such as are to be licensed; and that they take a promise of the said young men, That they will subscribe to, and punctually observe the same, in case they be licensed: And presbyteries are desired to record this their promise in their books, and to cause all this to be done before any part of the public trials be prescribed: And in case of students bringing testimonials from their pro-

^a Schools, 5.

^b Supra, 21.

fessors, or from presbyteries wherein they have for the most part resided, in the terms of the foresaid acts in order to their passing trials in some other presbytery; such presbytery, to whom they come so recommended, are not to begin their trials, until they have resided at least half a year immediately before, in their bounds: And the visitors of presbytery-books are appointed to report to their synods, an account of the diligence of the several presbyteries in this matter, but 'tis provided, that what is above-contained shall not be extended to students having the Irish language.—*Act 6. Ass. 1714.*

XXIV. The ordinary allowances payable by the acts of assembly to preachers, sent from time to time by the assembly or commissions thereof, to supply vacant churches, or in order to be settled in the North, the Highlands, and Islands, are appointed to be paid next to the stated annual charges of the church, and before any other claim and demand whatsoever, that shall be made out of the church's public money.—*Act. 5. Ass. 1715.*

XXV. Enjoined, That all former acts made with respect to the entering of students upon trials for the ministry be strictly observed. And further, 'tis appointed, That when any presbytery about to enter a person upon trials, shall receive a letter from another presbytery, shewing their dissatisfaction with said person, and giving grounds for it, he shall not be licensed until the synod give their directions in the matter, unless the presbytery which shewed dissatisfaction, afterwards signify their consent, that the trials should go on. And presbyteries who shall receive such letters about students, are appointed to write a return to them, by first post after their meeting. And likewise appointed, That when any young man comes to wait upon the profession of divinity in any university, he shall bring a certificate from the minister whence he comes; and when he leaves the profession, he shall also take with him, besides the professor's certificate, a testimonial from the minister of that parish in which he resided when he attended the profession.—*Act. 12. Ass 1727.*

XXVI. Recommended to all presbyteries and ministers, when they come to know any error or vice in students of divinity, to give notice thereof to the professors of divinity under whom such students are taught, with an account how the same can be proved; and also recommended to them not to be rash or hasty in receiving reports to the prejudice of students, but to be careful to discourage groundless or malicious reports, and to protect the characters of such as do not appear to be truly guilty: And recommended to professors of divinity diligently to enquire concerning the principles and the practice of the youth under their care; and the former recommendation to professors of divinity, contained in Act 22. Ass. 1696^a, concerning the requiring of testimonials from students whom they admitt to exercises, is renewed.— *Act 6. Ass. 1735.*

XXVII. Enacted, 1. That every probationer residing two months within the bounds of any presbytery shall present his license to the same; and that the said presbytery mark in their register, the probationer's name and the presbytery which licensed him. 2. That each presbytery extract from their records annually, in March or April, a complete list of probationers then residing, or who have resided for the above space, within their bounds, mentioning in these extracts, first the names of their own licentiates, and then the names of the others residing as above, with the presbytery who licensed them. 3. That these extracts be made out upon the schedule which bears the presbytery's commission to their members to the general assembly, and be signed in like manner by the moderator or clerk; and that the extracts further mention the names of students then under trials before the presbytery. 4. That the committee for examining commissions to members of assembly, shall annually make up a roll of probationers and students from these extracts; and that it be presented to the general assembly, as a part of the committee's an-

^a Supra, 16.

nual report, and be recorded in the assembly's register.—*Act 9. Ass. 1736.*

XXVIII. Enjoined, that none coming licensed from abroad be allowed to preach in Scotland, till they be re-examined, and come under the engagements, and sign the *formula*, according to Act 10. Ass. 1711^a.—*Act 16. Ass. 1736.*

XXIX. Enjoined on presbyteries to be strict in adverting, that young men whom they license to preach the gospel, be persons of good report, and carefully observe their behaviour after they are licensed; and appointed, That the rules of the form of process Ch. 7^b. with respect to informations against ministers of this church, be extended to probationers.—*Act 9. Ass. 1745.*

Nota. This act was afterwards transmitted to presbyteries as an overture.

XXX. Enjoined, That all presbyteries take care, in licensing probationers, strictly to observe the rules of the word of God, and acts of assembly relative thereto; also to observe the rules of this church, with respect to probationers for the ministry, licensed in England, or foreign parts; that before taking any steps towards a settlement in consequence of a presentation, they take care, that the patron and presentee be duly qualified, and that the presentation be in terms of law; and that when one is presented to a parish against whom there appears to be no just objection, they use their best endeavours to render the presentee acceptable to the parish.—*Act 4. Ass. 1754.*

XXXI. Enacted, That before any presbytery or synod agree to take upon trials any blind man, they first consult the general assembly.—*Act 6. Ass. 1761.*

XXXII. Enacted, That in licensing probationers the following regulations shall be strictly observed in all time coming, 1. That no presbytery admit any person to probationary trials, but such as are found to be of good report, sufficient

^a *Supra*, 21.

^b *Ministers*, 10.

learning, sound principles, pious, sober, grave, prudent behaviour, peaceable disposition, well-affected to government in church and state, and who, they have good grounds to conceive, will be useful and edifying in the church, and that careful enquiry be made thereanent; and that such as are esteemed light and vain in their behaviour, proud, worldly minded, or unacquainted with the power of practical godliness, be kept back from that sacred work. 2. That none be admitted to trials in order to be licensed, but such as have produced to the professor of divinity, at the time of being enrolled, either a diploma of master of arts, or a certificate, bearing that they have gone through a full course of philosophy at the college, and who have either given close attendance, on the divinity-hall for the space of four years, from the time of their enrollment as students in divinity; or, if their circumstances did not allow them to give close attendance on the hall, have continued to prosecute the study of divinity for six years, and have in that time delivered the usual number of discourses; provided, that the time of their being admitted to trials, they are twenty-one years of age complete. 3. 'Tis recommended to presbyteries, professors of divinity, ministers, and members of the church, to keep a watchful eye on such students, during the terms above specified: And further, That when any student comes to attend the profession of divinity in any university, he shall produce to the professor, and to the minister of the parish where he is to reside, during the time of his attendance on the profession, a testimonial from the minister of the parish from whence he comes; and when he leaves the profession, he shall carry back testimonials from the minister of the parish, of his grave and suitable behaviour becoming his character; and from the professor, testimonials certifying the same, and also his regular attendance on the diets of the profession, and the time he has attended. And when any professor of divinity shall think fit to recommend a student, in order to probationary trials, his testimonials shall certify his proficiency in his studies, and moral character. 4.

'Tis appointed, That no presbytery admit any student to probationary trials except such as have resided within their bounds for the space of six months, or do produce to them sufficient testimonials from the presbytery in whose bounds they have lived, or for the most part resided, expressing, that it is the desire of these presbyteries that these students should be entered upon trials. And such students as come from abroad, shall produce satisfying testimonials from the professors under whom they have studied; and the time they have been abroad shall be accounted a part of the six years; and none of these students shall be entered upon trials for the space of half a year after they come to Scotland. 5. When any student is proposed to a presbytery in order to be taken on trials, the proposal shall lie on the table till next ordinary meeting; before they give judgment therein, that diligent enquiry may be made, and information had concerning the student's qualifications and behaviour; and the presbytery shall be alone when the proposal is made and judged on; and 'tis enjoined, That students take all opportunities of cultivating an acquaintance with the ministers of the presbytery where they reside, and where they are to pass trials. 6. When the presbytery, after serious enquiry and mature deliberation, shall agree to take the proposed candidate on trials, they shall examine him privately, in order to enable them to judge whether he possesses the piety, knowledge, abilities, and other qualifications necessary for a preacher of the gospel. 7. 'Tis appointed, That the same method be observed, and trials taken in all the above particulars, before any presbytery recommend a student to pass trials in another presbytery. 8. Ordained, That the the terms above specified being expired, and testimonials produced, and previous trials taken in manner above directed, the presbytery, before they prescribe any part of the public trials, shall write letters to all the presbyteries within the bounds of the synod, acquainting them with their design, two months at least before the sitting of the synod; and at the next meeting of the synod; they shall also acquaint the synod

thereof, and obtain their special judgment and advice in that particular; and, that the members of the said presbytery and synod may be ripely advised thereanent, 'tis appointed that the said letters be duly and carefully transmitted to the several presbyteries, and that intimation thereof be publicly made at the first diet of the synod, to lie on the table till the second or some subsequent diet, and then particular enquiry be made whether any person have any thing to object against the student's being entered upon trials for preaching the gospel; providing always, that in any part of this church, where synods meet but once a-year, a student may be proposed to the synod half a year sooner than would have been competent if the synod had met twice a-year. 9. 'Tis recommended to presbyteries, that before any student is entered on trials, the engagements required by Act 10. Ass. 1711^a, of such as are to be licensed, be read to them; and that the presbytery take promise of them, that they will subscribe to, and particularly observe the same, in case the presbytery see cause to license them; and that this promise be recorded in their books. 10. 'Tis appointed, That the public probationary trials of students, who are to be licensed probationers, be the following, viz. The catechetical trials to be renewed in presence of the presbytery, and that previously to all the other parts of public trials—a homily in English on a Scripture text—an exegesis in Latin on a contraverted head of divinity, and sustaining a thesis and dispute thereon—an exercise and addition—a lecture on a large portion of Scripture—a popular sermon—a trial on chronology and church history, especially the history of our own church—and a trial on their knowledge of the Greek and Hebrew languages. 11. 'Tis enacted That the questions appointed by Act 10. Ass. 1711^b be put to all such as pass trials; and likewise that they shall subscribe the *formula* set down in that act, before they be licensed to preach the gospel; And the general assembly prohibits the licensing

^a Supra, 21.

^b Supra, 10.

any person who shall not give explicit and satisfying answers to these questions, and subscribe the said *formula*; and discharge any presbytery to make use of any other questions or *formula*. 12. When any presbytery, who with the synod's allowence, has entered, or who is about to enter a student on trials, shall receive a letter from any presbytery shewing their dissatisfaction with that student, and giving relevant grounds for the same, which they offer to verify to the presbytery at their next meeting, the said student shall not be licensed until the matter be tried: And appointed, That presbyteries who shall receive such letters anent students from any other presbytery, write a return by the first post after the meeting, acquainting them with their next diet. 13. That the acts concerning simony, be read before licensing any probationer. 14. For the better observation of this act, it is particularly recommended to professors of divinity, to communicate the contents thereof to their students in a public meeting annually, at such time, in the month of January as to them seems most convenient. And all presbyteries and synods are peremptorily appointed to observe the same in all parts: And it is strictly enjoined, that visitors of presbytery-books make strick enquiry how the several presbyteries observe the same. —*Act 8. Ass. 1782.*

XXXIII. Ordained, That in all time coming, the following regulations be strictly observed: 1. Enacted, That no student be entered upon the roll of any professor of divinity, unless he shall produce to the professor a certificate from the minister of the parish in which he has his usual residence, or, in his absence, or during a vacancy in that parish, from some neighbouring minister, bearing that his character is suitable to his views; together with a diploma of Master of Arts, or certificates from the several professors of philosophy under whom he had studied, from which it may be clearly ascertained, that, in some university or universities, he had gone through a full course of philosophy, in some winter sessions of college preceding that in which the certificates are pro-

duced. 2. Ordained, That all students who have been enrolled by professors of divinity, in the manner prescribed, continue to prosecute the study of divinity for the term of six sessions, provided, that if any student hath given regular attendance on the divinity-hall, during three sessions, his course shall be considered as completed in four sessions; and that if he hath given regular attendance in the hall during two sessions, his course shall be considered as completed in five sessions: Ordained, That in each of these cases, students be enrolled by the professors during the several sessions of their respective courses, and deliver in the divinity-hall, in the manner afterward provided, an exegesis in Latin on some contraverted head of divinity, a homily in English, an exercise and addition, a lecture on some large portion of scripture, and a popular sermon, together with such other exercises as the professors think proper to prescribe. Further enacted and declared, that a student is entitled to apply to the professor for his certificates, that he may be proposed for trials, and that the preliminary steps may be taken by the presbytery, during the currency of the last session of his course, as above described; with the limitation, that if the last session is to be claimed as a session of regular attendance, he shall, toward the conclusion thereof, obtain a new certificate of his attendance during its currency, and produce the same to the presbytery or synod. 3. Professors of divinity are required to attend, as much as circumstances may permit, to the conduct of such students as are under their care; and as far as they find it practicable, to insist that every student deliver his first discourse some time during his second session at the latest, and the remainder of his discourses at such periods as may enable him to deliver the whole of them before the end of January of the last session of his course. 4. When a student is proposed to any presbytery, in order to be taken upon trials, the presbytery shall be alone, and the motion for that purpose shall lie upon the table till their next ordinary meeting. In the mean time, the presbytery shall appoint the

member by whom the student has been proposed, to lay before the meeting the certificate or certificates in favour of the student, that are specified in the third paragraph of the third section of the act; to desire him to attend the same, and to inform him, that, previously to the meeting, he ought, as far as circumstances may permit, to wait on such ministers of the presbytery as have not formerly had an opportunity of conversing with him in private. 5. When the time appointed for considering the motion is arrived, the presbytery shall strictly observe the following regulations: 1. The presbytery shall be alone, while they are employed in discussing the several preliminaries respecting students who are proposed for trials. 2. They shall require satisfying evidence, that every student who is proposed for that purpose, has completed the twenty-first year of his age. 3. No student shall be admitted to trial, unless he produces to the presbytery a certificate or certificates from the professor or professors of divinity, under whose tuition he hath studied, bearing, that he hath prosecuted his studies, and delivered his discourses, in the manner prescribed by this act; and that his conduct, as far as it consists with the knowledge of the professor or professors, has been in every respect suitable to his views in life. Likewise enacted, That the presbytery shall record at full length the certificate or certificates, in their minutes: And enacted and declared, that the student having lodged such certificate or certificates, shall be entitled to obtain extracts of the same, if demanded. 4. No presbytery shall receive any student upon trials, unless they are satisfied that he is of good report; sound in his principles; pious, sober, grave and prudent in his behaviour; of a peaceable disposition; and well affected to the happy constitution established in this kingdom, both in church and state: And that the presbytery may proceed with all due caution, in a matter of such peculiar importance, they shall not agree to the motion in behalf of the student, unless his residence, during the year preceding, has been chiefly

within their bounds, or he produce testimonials from the presbytery, in whose bounds his residence has chiefly been during that term, bearing that his character is such as is described in the immediately preceding sentence of this paragraph, and recommending him in those respects, to the presbytery before whom the proposal is made, as a proper person to be entered upon trials. 5. The presbytery shall not agree to the motion in favour of the student, unless they are satisfied that he has made a competent degree of proficiency in those several branches of knowledge, which are necessary to enable him to be an useful preacher of the gospel. And ordained, That the presbytery, in order to procure full information in this respect, shall examine the student strictly, and privately, on his knowledge of the Greek and Latin languages, and of philosophy and theology. 6. If after these preliminary steps have been taken, the presbytery shall be of opinion, that the student is duly qualified in these several particulars, they shall record this opinion in their minutes, and order their clerk to write letters to the several presbyteries within the bounds of the provincial synod, two kalendar months at least, before the meeting of the same, informing them of the presbytery's intention to take the student upon public trials; and bearing, that the certificate or certificates, in his favour, which are required by this act, have been regularly laid before them. But it is provided, that within the bounds of such synods as meet only once a year, a student may be entitled to have these circular letters written half a-year sooner than would be otherwise competent. 7. Enacted also and declared, that at the request of the student, it shall be competent to any presbytery to transfer the receiving of the public trials, or any parts thereof, certifying to the presbytery to which the transference is to be made, that the various preliminary steps have been taken according to the directions of this act; and that such parts of the public and private trials as have been already gone through, have been received with approbation. 8. If a student have studied, either in whole or in part, in protestant

universities which are not within the bounds of this church, he shall, when he is proposed to any presbytery for trials, be required to produce satisfying testimonials from the professors of divinity in said universities; and the time which these professors shall certify to have been employed by him in studying divinity under their tuition, shall be computed in the same manner, as if he had prosecuted his studies in any of the universities, within the bounds of this church. But it is provided, that no student in such circumstances, shall be admitted even to those private trials, which are appointed to be taken before the writing of the circular letters, sooner than six kalendar months after his arrival in Scotland. 9. Ordained, that if a presbytery propose to take a student upon public trials, and have, with that view, written the circular letters, as is herein required, public intimation thereof shall be made at some diet of the next meeting of the provincial synod, which shall not be the last diet thereof: And the presbytery clerk is hereby required to transmit to the synod clerk, an extract of the certificate or certificates laid before the presbytery in favour of the student, in order that the same may be produced at this diet of the synod. Likewise ordained, That at some subsequent diet of the synod, particular inquiry be made whether any of the members of the court has any objection to offer against the student being entered upon public trials: And that the synod then, taking into consideration the extract produced, and the whole of the case, shall judge of the expediency of allowing the presbytery to admit the student on trials: Or, if in any case the presbytery clerk fail to transmit the extract of the certificates above mentioned, the student may produce to the synod, by himself, or by any member of the court, the extract of the same, which by this act he is entitled to obtain. 10. If the synod allow the student to be taken upon public trials, the presbytery shall proceed thereupon with all convenient speed: And 'tis appointed that the following trials be taken of the student, and in the order therein mentioned:—Catechetic trials on divinity,

chronology, and church history:—A trial on the Hebrew and Greek languages:—An exegesis in Latin on some contra-verted head in divinity:—A homily in English:—An exercise and addition:—A lecture on some large portion of scripture:—A popular sermon; it being understood, that if the presbytery see cause, they may examine the student upon the subject of these several discourses. 11. The student having gone through the several trials which are mentioned in the foregoing section of this act, the presbytery are ordained to proceed in the following order: 1. They shall deliberately, and seriously, take a conjunct view of the whole trials; and, if they shall be of opinion, that the student is not properly qualified to perform the duties incumbent upon a preacher of the gospel, they shall by no means grant him a licence in his present circumstances. 2. If, upon this review of the trials, the presbytery are fully satisfied therewith, they shall record this opinion in their minutes. 3. The presbytery shall then propose to the student the questions that are appointed to be put to all who pass trials by Act 10. Ass. 1711^a, and require him to subscribe the *formula* which is prescribed by that act. And all presbyteries are strictly prohibited from licensing any student to preach the gospel, who shall not give explicit answers to these questions, and subscribe that *formula*. 4. The presbytery shall order Act 8. Ass. 1759^b, against simonical practices, to be read to the student in their presence. Lastly, the presbytery shall appoint their moderator to license the student to preach the gospel, and ordain their clerk to furnish him with an extract of their licence. 12. Ordained, That this act be printed among the other printed acts: That it be printed by itself, in some convenient form: That a copy of the separate edition be transmitted to each professor of divinity in the universities of Scotland; and that they shall read the same in their respective halls once at least during every session, and at such times as they have reason to expect the

^a *Supra*, 3. ^b *Simony*, 2.

attendance of the greatest number of students for that session; and that a copy of the same edition be likewise transmitted to the clerks of each synod and presbytery within the bounds of this church, and that the said clerks keep the same along with their minutes, and bring it up to each meeting of their respective courts, for the use of the members—*Act 8. Ass. 1813.*

PROCESS*.

I. Appointed, That all processes or other papers be delivered to the clerk, in the intervals betwixt the diets of the assembly's meeting; and declared, that such as shall be otherwise delivered, shall be laid aside for that diet.—*Act 7. Ass. 1694.*

II. A committee is appointed, to concert and prepare a form of process, for regulating the procedure of church-judicatories for the future, and to report to the commission, and they to transmit the same to the several presbyteries for their opinion, to be reported to the next assembly: And 'tis recommended to the commission, to cause again revise the printed overtures for discipline, with the amendments, and cause reprint and transmit the same to the several presbyteries, for their opinions, to be also reported to the next assembly.—*Act 25. Ass. 1704.*

III. The foresaid form of process in the judicatures of this church, with relation to scandals and censures, is ratified and approven, and ordained to be observed, as fixed binding rules and directions in the whole matters therein contained, except the 7. 8. 9. Paragraphs of Chap. 4. and what concerns the pressing of the oath of purgation. As to which, 'tis only recommended to church-judicatories, to regulate themselves according to the advice therein insinuated, as they shall find most for edification.—*Act 11. Ass. 1707.*

* See Competency of Church Judicatures.

 PROFANENESS *.

I. Ministers and people are exhorted to the religious exercises of public and private worship, and to the duties of mutual edification, and charged to endeavour the suppressing of all impiety, and the mocking of religious exercises, and to eschew all meetings which are apt to breed error, scandal, schism, neglect of duties, and particular callings, and such evils; and the execution of this act is remitted to synods and presbyteries. See at large *Act Sess. 10. Aug. 4. Ass. 1641.*

II. All ministers, and all who fear God, are exhorted and required to have on their hearts a deep, humbling, and soul-affecting sense of the gross and abominable sins and vices that abound in this nation, and be much in prayer and supplication before God on this account; and that all the ministers of this church preach plainly and faithfully against these vices, and denounce the threatened judgments of God against such evil doers, and deal earnestly and much with their consciences, to bring them to a conviction and sense of their sin and danger; and church-judicatories are appointed faithfully to exercise church-discipline against all such scandalous offenders, with that gravity, prudence and meekness of wisdom, as by the blessing of God, may prove an effectual mean of reforming and recovering the guilty, and of preventing the like sins in others. And 'tis required, That care be taken in the receiving of servants, and that they have testimonials of their honest and Christian behaviour, and that the same be required of all others who flit and remove from one parish to another. And 'tis appointed, That the ministers and elders in each congregation take care, that the worship of God be performed in the several families thereof; and if any family be found which neglecteth this necessary duty, the head of that family is to be gravely, seriously, and earnestly admonished until he

 * See Lord's Day.

amend his fault: And 'tis recommended to ministers and kirk-sessions, That none be ruling elders who make not conscience of this necessary and unquestionable duty, and no grossly ignorant and scandalous person be admitted to the Lord's table. And 'tis recommended to ministers and kirk-sessions, That they carefully apply to the several magistrates of their bounds, that the acts of parliament against profaneness may be put in execution, and particularly the act of parliament 1693, 40. And this act is ordained to be publicly read and intimated in in all churches.—*Act 13. Ass. 1694.*

III. In the first place, all the people of this church and nation are, in the awe and dread of the great God who will not hold them guiltless that break any of his commands, beseeched, warned, and obtested to break off their sins by repentance, and seriously, in the fear of the Lord, to apply themselves to a sober, conscientious, Christian, and circumspect walk in all manner of conversation, as becomes the professors of the glorious gospel of the blessed God, and of that religion which is pure and undefiled, as they would not incur the heavy displeasure and just indignation of the Holy One, in being excluded for ever from seeing his face in peace, and pull down his temporal judgments upon themselves, and upon the land. And next, all the ministers of this church are required, freely and faithfully to preach against the enormous sins of profane and idle swearing, cursing, Sabbath-breaking; profane withdrawing from, and contempt of gospel ordinances; yea opposing the dispensing of them, by hindering the planting of churches, and discouraging the endeavours of others for calling and fixing a faithful gospel ministry among them; mocking of piety and religion, and the exercises thereof; fornication, adultery, drunkenness, excessive tippling, deism, blasphemy, and other gross abominable sins, as the crying sins of the time; that people may be brought to a conviction and sense of their heinousness and danger, and may reform, not only for fear, but for conscience. And 'tis appointed, That presbyteries and kirk-sessions faithfully and impartially exer-

eise church-discipline against all such scandalous offenders, and use all suitable means in dealing with their consciences to bring them to an unfeigned repentance and reformation: And 'tis recommended to ministers and members of kirk-sessions, from a true zeal for God, to hold hand to the delating, informing against, and punishing of all profane transgressors, without respect of persons, by civil punishments, conform to the acts of parliament made in that behalf; and that they record their diligence in their session-books, that the same may be seen by their presbyteries, who are required to make enquiry therein, at their visitation; and lest any be found backward in performing their respective duties, from an unwillingness to displease or disoblige persons of note, who may happen to be guilty, all ministers and elders, and all Christians are exhorted to remember, that in this matter they have to do with the great and terrible God, whose honour is to be preferred, and whose wrath is to be feared, before all other considerations whatsoever: And 'tis overtured, That whatever minister or member of kirk-session be found faulty in neglecting to pursue the foresaid scandal in their stations, the said minister or member of kirk-session be complained of, and censured by the presbytery for the first fault, and that the censure be recorded; and that the second negligence be delated to, and censured by the synod; and that for the third neglect, they be censured by the synod with suspension, to be recorded in the synod-register; and this overture is turned into an Act *infra* Ass. 1699. And 'tis recommended to each minister or kirk-session, who shall find cause to complain of a magistrate for negligence in executing the said laws, or for refusing deputation and commission to such persons as are duly elected and presented to them from parishes where there is no ordinary magistrate residing, conform to act of parliament 1696, 31. That they acquaint their presbyteries therewith, and that the said presbytery having used all previous means, in dealing with the consciences of the said magistrates, without any good effect, do, with the kirk-agent, thereafter

pursue the said negligent or refractory magistrate before the Lords of Council and Session, according to the foresaid acts of parliament, and that this act be read in all churches within this kingdom twice a-year from the pulpit, viz. upon the first Sabbaths after Whitsunday and Martinmas yearly.—*Act 11. Ass. 1697.*

IV. Some overtures against profaneness transmitted by Act 15. Ass. 1698, are thus approved : 1. All ministers are beseeched, exhorted, and required, in the awe and dread of God, by the coming of our Lord Jesus Christ, and our gathering together unto him, that they take heed to themselves, and to their doctrine, and endeavour to be examples to the people in all piety, purity, and holiness, in all manner of conversation. 2. That they be frequent and fervent in secret prayer for themselves and the people committed to them, joining sometimes fasting with prayer : And 'tis recommended to ministers and elders in their several parishes, and ministers in their several presbyteries, to meet sometimes together in their parishes and presbyteries *respectivè*, for private fasting and prayer, and conference anent the state of the church, and that part of it in which they have special interest, with respect to the growth or decay of godliness, and success of the gospel therein. 3. That presbyteries be more accurate in managing their privy censures, and that a day be set apart for that purpose only, and spent in prayer and fasting together. 4. That presbyteries be very cautious in admitting intrants to the ministry, and be accurate and exact in the trial, not only of their literature, but of their piety, prudence, and former godly conversation and walk. 5. That ministers be painful in catechising, frequent in visiting families, and in private personal conference with those of their charge, about the state of their souls, and that ministers be more frequent in the administration of the Lord's supper, and always edifying in their converse and discourse, and that they deal with heads of families to engage them to piety, and a care to reform their families, and to set up and keep up the

worship of God therein; and in particular, that ministers endeavour by all prudent and gaining gospel methods, to engage persons of honour and power to fall in love with holiness, and to reckon it, as indeed it is, their greatest honour; and that in dealing with such of them as are vicious, an humble, and yet holy boldness and zeal be used in admonishing them, in order to their recovery; and that herein presbyteries appoint some others of their number to concur with the minister of the place as may be most for edification. 6. 'Tis recommended, That kirk sessions and presbyteries be vigorous, impartial, and yet prudent, in the exercise of church-discipline, against all immorality, especially drunkenness and filthiness, cursing and swearing, and profaning the Lord's day, which too much abound; and that they apply to magistrates for executing the good laws against immorality and profaneness. 7. 'Tis recommended to all ministers, where the people sit too long in taverns, especially on the Saturday's night, through which some neglect the public worship of the Lord's day in the forenoon, and others attend the worship drowsily, that they represent to the people, both publicly and privately, the sin and evil thereof, and call them to redeem that time which they have free from business, and to employ it for converse with God about their soul's state, and in preparation for the Sabbath, which will yield more delight than all sensual pleasures can do; and all magistrates of burghs are exhorted to be assistant to ministers in enquiring into, and reforming such abuses. And sicklike, the foresaid Act 8. Ass. 1697, against profaneness is revived; and the overtures therein contained anent censuring such ministers and members of session, as are negligent in pursuing scandals, is approved; and the punctual observation of the said acts and overtures, and obedience thereto, by all presbyteries, ministers; elders, and sessions, as they are concerned in their several stations, is recommended and enacted.—*Act 7. Ass. 1699.*

V. 'Tis recommended to the commission, to appoint some of their number, with the clerk, to draw up an abstract of all

the acts of assemblies against profaneness and immorality, both before and since the late revolution, which being revised by the commission, may be by them ordered to be printed, together with the abstract of the acts of parliament against profaneness, in a small volume; and each presbytery is enjoined twice a-year at least, at diets appointed *in hunc effectum*, to read these, and to enquire at each minister what is done by them for execution thereof; and every synod is ordained to take a strict account of the diligence and faithfulness of presbyteries therein: And 'tis recommended to all presbyteries to think seriously what may be further needful for restraining of wickedness, and advancing of piety and the kingdom of Christ in the nation, and to send in their opinions concerning the same, to the immediate subsequent assembly, who might take these into their serious consideration, and make this their chief and first work.—*Act 11. Ass. 1704.*

VI. All magistrates, ministers, and elders are seriously exhorted in their respective capacities, to hold hand to the execution of the laws against profaneness, according to the Act 11. Ass 1697 ^a, and Act 7. Ass. 1699 ^b, made against profaneness; and particularly, 'tis recommended to ministers and kirk-sessions, to apply to the civil magistrate in that matter, as the law allows and requires; and upon the inferior magistrate's neglect or refusal to put the laws against profaneness in execution, that the kirk-session, with concurrence of the presbytery, complain to the government for redress, according to law: And lastly, 'tis recommended to presbyteries, to enquire diligently at their privy censures and parochial visitations, how ministers and kirk-sessions have obeyed this recommendation.—*Act 15. Ass. 1706.*

VII. Queen Anne's proclamation against profaneness dated Aug. 18. 1708, with the abbreviate of the laws subjoined thereto; as also, the Act 13. Ass 1694 ^c, Act 11. Ass. 1697 ^d, Act 7. Ass. 1699 ^e, and Act 7. Ass. 1697 ^f, are appointed to

^a Supra, 3.

^b Supra, 4.

^c Supra, 2.

^d Supra, 3.

^e Supra, 4. -

^f Worship Private, 4.

be reprinted in a small volume, and a copy thereof sent to every parish and kirk-session, presbytery and synod in Scotland; and the said proclamation and abbreviate are appointed to be read from the pulpits of all the churches in Scotland, on a certain day mentioned in the act, and thereafter as often, and at such times as the several synods and presbyteries shall judge it needful and convenient; and synods and presbyteries are ordained to record their diligence in this matter in their books.—*Act 5. Ass 1714.*

VIII. King George I.'s proclamation against profaneness, as also the abbreviate of the laws against immorality are appointed to be read in all the churches on a certain day; and *Act 5. Ass. 1714*, immediately above written; as also *Act 11. Ass. 1714*^a. are renewed.—*Act 13. Ass. 1715.*

IX. Slackness and partiality in the exercise of discipline, and untenderness in the walk and conversation of the office-bearers of the church, being considered as contributing to the increase of vice and immorality, neglect of the ordinances of religion, and profanation of the Lord's day; therefore ministers are exhorted and required to take heed to themselves and to their doctrine, and to be exemplary to their people in sobriety, righteousness and holiness, abstaining from all appearance of evil: And in like manner, elders and deacons are exhorted and required to be faithful in the discharge of their respective offices, tender and circumspect in their walk, and punctual in their attending upon ordinances, and strict in their observation of the Lord's day, and in regularly keeping up the worship of God in their families: And 'tis appointed, That the judicatories of the church take good heed, that none be admitted to, or continued in these offices, but such as are found qualified, and behave themselves as above required; and kirk-sessions, presbyteries, and synods are appointed strictly and impartially, to observe this and former acts of assembly, relative to office-bearers in the church; and presbyteries are

^a Papists, 16.

appointed at their privy censures, to enquire into the behaviour of their members, and of all the elders and deacons in their bounds, with respect to the premises; and synods are appointed to enquire into the conduct of presbyteries; and both are required to record their diligence herein, that the same may be reported to the general assembly by the visitors of synod-books.—*Act 9. Ass. 1722.*

X. Appointed, That the abbeviat of the laws and acts of parliament against profaneness be reprinted, and copies thereof sent to ministers to be read from the pulpits of their respective churches.—*Act 9. Ass. 1746.*

XI. Act 13. Ass. 1694^a revived: And further appointed, That the abstract of the laws against profaneness and immorality be reprinted, and that all kirk-sessions provide themselves with copies thereof, and have meetings to consider the most proper methods for obtaining the execution of these laws; and that ministers frequently in their sermons persuade and direct Christians in general to contribute their endeavours, and take the best methods to strengthen one another's hands in this important work; and that presbyteries and synods enquire, at their diet for privy censures, into the diligence of ministers and sessions in this matter.—*Act 13. Ass. 1746.*

PROFESSORS OF THEOLOGY*.

I. That professors of divinity and ministers shall not, by their demission of, or cessation from, their charge through age and inability, be put from enjoying their old maintenance and dignity.—*Act Sess. 5. July 30. Ass. 1641.*

II. If professors of theology in universities be ministers, they may be chosen commissioners to general assemblies, either by the presbytery as ministers, or by the university as professors of divinity.—*Act Sess. 3. Aug. 4. Ass. 1643.*

^a *Supra*, 2.

* Ministers, 5. Transportations, 1. § 3. Probationers, 16. 17. Schools, 4. Doctrine, 5.

III. That provincials diligently consider and try, who within their bounds most probably may be fit for a profession in the schools, and report their names to the general assembly, that such may be stirred up and encouraged by the general assembly, to compose and frame their studies, that they may be fitted for such places.—*Act Sess. ult. Feb. 13. Ass. 1645.*

IV. For keeping the universities pure, and provoking the professors of divinity to greater diligence, they are desired to present to the next assembly their dictates of divinity, and the professors present to give intimation to the professors absent; but the determination of an overture proposing it as a constant and perpetual order, that each professor in the universities within this church and kingdom, bring with them, or send with the commissoners to the general assembly, a perfect and well written copy of his dictates, to be revised by the general assembly, or such as they shall appoint for that work, ilk year, is continued till the next assembly.—*Sess. ult. June 18. Ass. 1646.*

PSALMS*.

I. A commission is granted to some brethren, to examine the paraphrase of the psalms sent from England; to observe what they think needs to be amended, and set down their own essay for correcting thereof; and for that effect, 'tis recommended to them to make use of the travails of Rowallan, Mr Zachary Boyd, or any others on that subject; but especially, our own paraphrase; and chuse what they find best in any of these works; And likewise, to make use of the animadversions sent from presbyteries, and to report their labours to the commission of that assembly; who, after revising thereof, shall send the same to provincial assemblies, to be transmitted to presbyteries, that by their further consideration, the matter may be fully prepared for the next assembly; empowering them also to turn these psalms, which in the English paraphrase are turned to verses not agreeing with our common

* See Highlands, 5. § 6.

times, to verses agreeing thereto: And 'tis recommended to Mr Zachary Boyd to translate the other scriptural songs in metre; and to report his travails also to the commission of that assembly; that after their examination thereof, they may send the same to the presbyteries, to be there considered, until the next general assembly.—*Sess. 25. Aug. 28. Ass. 1647.*

II. Row's paraphrase of the psalms, with the corrections thereof, given in by persons appointed by the preceding assembly for that purpose, sent to presbyteries to be revised and sent, with their corrections, to the commission, who are to re-examine the animadversions of presbyteries, and prepare a report to the next assembly: And two brethren appointed to revise Mr Zachary Boyd's labours upon the other scripture songs, and to report to the commission; who, after examination, are to report to the next assembly.—*Act Sess. 38. Aug. 10. Ass. 1648.*

III. Some ministers are appointed to correct and examine the new paraphrase of the psalms in metre, with the corrections and animadversions thereupon, sent from several persons and presbyteries; and to report to the commission, who, after perusal and re-examination thereof, are authorised with full power to establish the paraphrase, and to publish and emit the same for public use.—*Act Sess. ult. Aug. 6. Ass. 1649.*

IV. 'Tis recommended to all congregations and families who worship God in the Irish language, to make use therein of the paraphrase of the psalms in Irish metre, approved and emitted by the synod of Argyle, conform to the act of the general assembly 1690^a; and that where preaching and prayer are used in Irish, the singing of psalms, at the same diet, in a different language be foreborn thereafter, as an incongruous way of worshipping God; as also, to make use of the translation of the shorter catechism of this church in Irish, bound with the said psalms in one volume, as an uniform mean of catechising the people.—*Act 20. Ass. 1694.*

V. Recommended to the several presbyteries of this church,

^a Highlands, 5.

to endeavour to promote the use of the scriptural songs in private families within their bounds, according to the recommendation of the late assembly, and to facilitate the assembly's work in preparing the said songs for public use; recommended to presbyteries to buy up the printed copies of the said songs, and compare them with the originals, and make further amendments thereon; and the amendments already made thereon, are ordained to be printed and transmitted.—*Act 4. Ass. 1706.*

VI. The revising of the scriptural songs is recommended to presbyteries, and they are desired to transmit their opinions respecting them to the next assembly; and in the mean time a committee, nominated by the commission of last assembly, for revising the same, is renewed.—*Act 16. Ass. 1707.*

VII. The commission is appointed to consider the printed version of the scriptural songs, with the remarks of presbyteries thereupon; and after examination thereof, they are empowered to conclude and establish that version, and to publish and emit it for the public use of the church, as was formerly done on the like occasion, when our version of the psalms was published, in the year 1649^a: And recommended to ministers and others, to buy up for private use, in the mean time, the copies of them that are lying on the author's hands.—*Act 15. Ass. 1708.*

VIII. Recommended to presbyteries to use endeavours to have such schoolmasters chosen as are capable of teaching the common tunes; and that the said schoolmasters not only pray with their scholars, but also sing a part of a psalm with them, at least once every day.—*Act 17. Ass. 1713.*

IX. The consideration of the pieces of sacred poetry, entitled, “Translations and Paraphrases of several passages of Scripture^b,” is remitted to presbyteries, in order to their

^a *Supra*, 3.

^b These Translations and Paraphrases have long been introduced into public worship, and are in general use throughout Scotland.

transmitting their observations to the next general assembly; that they, or any subsequent assembly, may give such orders about the whole affair, as they shall judge for edification; and this resolution is appointed to be fixed to the impression.

—*Act 6. Ass. 1745.*

X. 'Tis recommended to private families, That in their religious exercises, in singing the praises of God, they go on without the intermission of reading each line: And 'tis recommended to the schoolmasters in the several parishes, that they be careful to instruct the youth in singing the common tunes.—*Act 8. Ass. 1746.*

PUBLIC ENEMIES.

I. Presbyteries and synods *respectivè*, are ordained to proceed against the principal actors in that rebellion in the north and south with the highest censures of the kirk, if they give not satisfaction by public repentance; and when the sentence of excommunication should be pronounced, the said judicatories are discharged to relax any of them from the sentence, without the advice of the general assembly or commission, *nisi in extremis*; to whom also the said presbyteries and synods are appointed to be answerable for their diligence in the premises, as they shall be required: And recommended to parliament, to cause take such course, as the persons guilty may be exemplarily punished, according to the demerit and degree of their offence.—*Sess. 6. June 3. Ass. 1644.*

II. 'Tis appointed, That such as, after lawful trial, shall be found to have been in actual rebellion, and to have carried charge with the rebels, to have accepted commissions for raising horse or foot to them, or have otherwise assisted them in manner mentioned in the act; shall humbly acknowledge their offence upon their knees, first before the presbytery, and thereafter before the congregation, upon a Sabbath, in some placè before the pulpit; and in the mean time, be suspended from the Lord's supper: And in case they do not satisfy in manner foresaid, that they be processed with excommunica-

tion : And such as have been guilty of any of the gross degrees of compliance expressed in the act, shall acknowledge their offence publicly before the congregation, and be suspended from the communion, aye and while they do the same ; and that all persons in any ecclesiastic office, guilty of any of these degrees of compliance, be suspended from the office, and all exercise thereof, for such time as the quality of the offence, and the condition of the offenders, shall be found to deserve : And presbyteries are declared to have a latitude and liberty to aggregate the censures above specified, according to the degrees and circumstances of the offences : And the same latitude and liberty is given to the commissioners of the assembly for public affairs ; who have also power to try and censure the offenders in manner above expressed, and to take account of the diligence of presbyteries therein.—*Act Sess. 14. June 17. Ass. 1646.*

III. That no person guilty of compliance, in the first class mentioned in the above act, be received into any ecclesiastical charge, until the evidence of his repentance, before the presbytery and congregation, be reported to the synod to which he belongs, and to the general assembly, and their consent obtained to his bearing office ; and that any such person already received into the eldership of any particular congregation, be not admitted to be a member of any presbytery, synod, or general assembly, until (upon evidence of his repentance) the consent and approbation of these judicatories *respectivè* be obtained.—*Act Sess. 27. Aug. ult. Ass. 1647.*

IV. That all those who joined in the unlawful engagement in war against England, and were censured by the commission of the general assembly 1648, with suspension, from the renewing of the covenant, and from the ordinance of the Lord's supper, and withal, who do not by their addresses to church judicatories, testify their dislike thereof, be processed, and continuing obstinate be excommunicated ; but, if withal they go on in promoting malignant designs, that they forth-

with be excommunicated.—See this at large in *Act Sess.* 19. *July 20. Ass.* 1649.

V. Appointed, That presbyteries enquire into the behaviour of the office-bearers in the church, during the late unnatural rebellion (1745), and prosecute offenders; and, in case of difficulty, to take the advice of the synod of the bounds, or the commission of the general assembly: And recommended to ministers and presbyteries, to call before them all others that may have been guilty as aforesaid, and to censure them according to the degree of their offence, and as they judge for edification.—*Act 10. Ass.* 1746.

PUBLIC MONEY*.

I. 'Tis recommended to his Majesty's commissioner to request his Majesty, that he would command that the signature of L. 500 sterling yearly, dedicated and gifted by him, to be bestowed on public, necessary, and pious use of the kirk, at the sight of the general assembly, might be sent to this kingdom, and delivered to the commissioners of this assembly, or the procurator for the kirk.—*Act Sess.* 11. *Aug. 5. Ass.* 1642.

II. 'Tis enacted, 1. That of her Majesty's yearly allowance for defraying the public charges of the church's affairs, and paying the salaries of the church's public servants, there be always the sum of L. 100 sterling in reserve, for answering any extraordinary emergents in the church's affairs. 2. That no commission of any assembly, in time coming, shall have power, and they are discharged to dispose of any more of the church's money, but of one year's allowance only, reckoning the commencement of the year from the 24th of June in the year preceding. 3. That each year's allowance be applied, in the first place, for defraying the stated annual charges of the church quarterly, and the necessary exigents of every particular year; that is, in such matters only, as during that time shall occur, which do immediately and directly concern the

* See Highlands, 19. 23. Probationers, 24.

public interest of the whole church in general, and any arrears of these that shall happen to be resting; and, in the next place, for payment of the bygone debts of the church then resting: And the assembly discharges any new orders to be given, or precepts to be drawn upon any other accounts, until all the church's debts be paid; but after payment of all prior debts, that which remains of each year's allowance, may be bestowed to such other uses of the church, as shall be judged most proper. 4. 'Tis declared, That no appointments on the procurator or agents for the church, to manage processes for particular synods, presbyteries, or ministers, shall, in time coming, warrant the agents to lay out any money therein, except there be a special order of assembly, agreeable to the present rules, expressly appointing them to that effect. 5. L. 12. 10s. quarterly, as the money comes in, is appointed to be lodged in the hands of one of the agents for the church, for defraying the said incident charges, for which they are to make an account at each assembly; and if any balance shall be found due to them, the same shall be paid to them, and the sum of L. 12. 10s. further: Or if the balance that shall be found due by them shall not extend to that sum, the said sum shall be made up to them out of the first money that comes in after clearing their accounts. And, lastly, the receiver of the church's money, in debursing thereof, is appointed strictly to observe the foresaid rules; and he is discharged to make payments in any other manner or order, as he will be answerable to the assembly.—*Act 7. Ass. 1712.*

III. The assembly discharges the applying of any of the church's public money, toward the payment of the expenses of processes for stipends, except in parishes where Popery abounds, or such as shall be recommended, both by the presbytery and synod to which the parish belongs, and the case be laid before the assembly, and their particular order given for that effect before the commencement of the process: And 'tis resolved and declared, That for thereafter no new warrants or

orders shall be granted for payment of any money to any person whatsoever, except to preachers sent to supply the north for their allowances. And the assembly discharges the clerk of assembly or sub-clerk to write out, or the moderator of that, or subsequent assemblies to subscribe any orders or warrants, for payment of any new grants out of the church's yearly allowance, until all former debts already contracted be first paid. And they resolve and declare, That at no time thereafter any warrants for money shall be granted, until it be known, there is as much in the hands of the receiver of the church's money, as will be sufficient to answer the same. And they appoint the above Act 7. Ass. 1712, to be punctually observed; and appoint the procurator for the church, when any demands for money come before the assembly or commission, to acquaint them with the state of their funds, and to read the foresaid Act 7. Ass. 1712, and this present act to them. And the committee chosen by each assembly for auditing and revising the church's public accounts, are discharged to propose either the giving of money, or precepts for money, exceeding that part of the year's allowance belonging to that assembly which is free and unappropriated; and they are appointed to bring their report first to the committee for overtures, before it be brought into the assembly; And they are also appointed to cause this present act, and any new regulations that shall be made about money, to be read to them yearly; and to reject all petitions and demands not in the terms thereof; and to report an account of any breaches that shall be made therein to the assembly.—*Act 8. Ass. 1719.*

IV. Appointed, That not only no more orders upon the church's public money shall be granted by general assemblies and commissions, until all the claims already stated be first paid; but also, seeing that now the vacancies in the north, the Highlands, and Islands, are for the most part planted, and that when any vacancies in these places shall happen, it will be more easy to get the same planted than formerly it

was; therefore Art. 5. Act 8. Ass. 1698^a, Art. 6. Act 11. Ass. 1699^b, and Act 5. Ass. 1715^c, are repealed and rescinded.—*Act 8. Ass. 1723.*

V. Act 7. Ass. 1712^d, and Act 8. Ass. 1719^e, are ordered to be reprinted by *Act 5. Ass. 1761.*

VI. 'Tis ordered, That all applications for a share of the public money in time coming, shall be transmitted to the agent for the church with the grounds of the claims, on or before the 1st of May yearly, that the same may be laid before the procurator, who is appointed to give a short state of the case, and report the same, with his opinion thereon, to the next general assembly at their third sederunt; with the certification that all petitions or applications for money, not lodged in terms of this act, shall not be received by that assembly, but left in the agent's hands, to be considered and reported to the assembly in the year thereafter. And 'tis recommended to all presbyteries, to pay the greatest attention to Act 8. Ass. 1719^f, which is ordered to be reprinted.—*Act 6. Ass. 1763.*

VII. Recommended, That a general contribution be made in aid of the funds of the church, in the several presbyteries, by the ministers and elders of the church; and directed, that the sums received be remitted to the moderators or clerks of presbyteries, to the procurator for the church, to be by him reported to the next assembly.—*Act 10. Ass. 1810.*

VIII. Recommended earnestly to the ministers of all the presbyteries of the church, the annual contribution of five shillings, suggested as the only remedy which occurs for relieving the funds of the church from their present difficulties: Enjoined, That printed copies of this recommendation be transmitted to all the moderators of presbyteries, accompanied with a letter from the moderator of the assembly enforcing it; and presbyteries are enjoined to take up the con-

^a Highlands, 19. ^b Ibid. 23. ^c Probationers, 24. ^d Supra, 2. ^e Supra, 3.

^f Supra, 3.

sideration of the subject, not later than the day on which they meet to elect their members to the assembly.—*Act 11. Ass. 1816.*

Q.

QUAKERS.

'Tis recommended to all provincial synods, presbyteries, ministers and kirk-sessions, to use all proper means for the reclaiming of Quakers from their abominable heresies; and in case of their obstinacy, to proceed against them with the censures of the church; and especially against the ringleaders, that are traffickers for seducing others.—*Act 10. Ass. 1695.*

R.

REFERENCES*.

I. That Act Sess. 23. Aug. 30. Ass. 1639^a, anent appeals, be extended to references; and in appeals and references of particular concernment, if all the parties having interest, have been present in the inferior judicatory, when the appeal and reference was made, then there is no necessity of citation; but in case of their absence, citation of parties is so necessary, that if it be wanting, appeals and references should not be received.—*Aug. 3. Ass. 1643.*

II. Recommended to presbyteries and provincial assemblies, to consider all the matters referred by preceding assemblies, to the consideration of presbyteries, and to report their

* See Appeals, 2. Overtures, 2. Ordering Assembly House, 4. Scandals, 12. Citation. ^a Appeals, 1.

opinion therein to the assembly.—*Sess. ult. June 18. Ass. 1646.*

III. That presbyteries and provincial synods consider all references of this and preceding assemblies, and send in their opinion in writing to the next general assembly.—*Sess. ult. Aug. 12. Ass. 1648.*

IV. Recommended to presbyteries and provincial assemblies, to consider all matters referred by this, or by any former assembly, and send in their opinions therein in writ to the next general assembly.—*Sess. ult. Aug. 6. Ass. 1649.*

REGISTERS *.

I. The registers of the general assemblies of the church of Scotland, beginning December, 1560, and ending in the year 1590, contained in five books, the first beginning at the assembly held 20 December, 1560, and ending at the fourth session of the assembly held 28 December, 1566. The second beginning at the general assembly held the 2 June, 1567, and ending at the fourth session of the assembly held at Perth the 9 August, 1572, both subscribed by John Gray, scribe. The third, being a register of the assembly held at Edinburgh the 7 August, 1574, and ending with the 12 session, being the last session of the assembly 1579. The fourth beginning at the assembly held at Edinburgh 10 May, 1586, and ending 17 session of the assembly held in March, 1589. The fifth and greatest volume beginning at the assembly held anno 1560, and ending in the year 1590, are approven by the assembly, upon report of a committee appointed by them for trial thereof, and the reasons of their approbation are set down at length in *Act Sess. 6. 7. Nov. 27. 28. Ass. 1638.*

II. An old register of assembly, beginning at the assembly held at Edinburgh 6 March, 1572, and ending at the assembly likewise held at Edinburgh in 1573, is approven, and ordained to make faith as an authentic register of the kirk of

* See Commission Book. Synods, 3. Synod Books.

Scotland, upon the testimony of a committee appointed for the revising thereof, which is subjoined to the *Act Sess. 18. Aug. 26. Ass. 1639.*

III. All provincial synods and presbyteries are required to be careful in revising the registers of the judicatures under their immediate inspection, and that they appoint a competent number of the most fit and experienced ministers for that work, and when they find nothing to challenge in any register, they give the same the attestation following: “The provincial synod of ———, having heard the report of those appointed to revise the presbytery-book of ———, and having heard the remarks thereupon, and the said presbytery’s answers thereto: And it having been enquired by the moderator, if any other had any complaints to make against the actings of that presbytery, and nothing appearing censurable, ordered the clerk to attest this in their presbytery-book.” And so for the registers of the provincial synods and kirk-sessions *mutatis mutandis*; but if there be any thing truly censurable in the said book, and in itself material, with respect to discipline, that it be recorded as censured, both in the synod-book, and attestation.—*Act 9. Ass. 1700.*

IV. Enacted and appointed, That there be two authentic copies of the registers of the general assemblies, committees, and commissions thereof, both subscribed by the moderator and clerk, one copy whereof to lie in the clerk’s custody, and the other copy to be sealed and laid in some secure place in the new church of Edinburgh, or where the general assembly or commission shall appoint: As also, That a subscribed extract of the proceedings of each general assembly be sent, a little after the rising thereof, to the several synods within this church, to be by them recorded in a book, and all this to be done upon the public charges of the church; and ’tis recommended to such persons as have any of the old registers or papers belonging to the general assembly, commissions, or committees thereof, in their custody, to deliver up the same to the clerk of the general assembly, to be by him kept for the pub-

lic use of the church, and that ministers and presbyteries be at pains in dealing with persons for that effect, and 'tis recommended to the commission to gratify these, who shall bring to their clerk any of their papers or registers foresaid, as they shall find such persons deserve.—*Act 11. Ass. 1703.*

V. The foresaid recommendation anent the registers of the church is renewed, and the commission impowered to do according thereto.—*Act 27. Ass. 1704.*

VI. Recommended to all the judicatures of this church, to take special care that their registers be correctly written, and that they allow no blottings nor interlinings; and if any thing shall happen to be blotted out, as superfluous, that it be marked on the margin, how many words or lines are blotted out, and that it was done by the authority of the judicatory, and that it be subscribed by the moderator and clerk; and if any thing be omitted, that it be written upon the margin, and subscribed by the clerk of the judicatory.—*Act 9. Ass. 1706.*

VII. Appointed, That a copy of the proceedings of every assembly be sent to the library of each of the universities in Scotland, to be lodged there, and kept for the use of the church and judicatories thereof, and that the faculties of the several universities, upon receipt of these copies, send in to the commission of each general assembly, an extract of the act of their faculty under their clerk's hand, acknowledging the receipt of the said copies, and that they are lodged in their libraries only in trust, for the use and behoof of the church, and obliging them to make them forthcoming to any of the judicatories of the church that calls for them upon their receipt and obligation to return the same; and the Act 11. Ass. 1703^a, appointing copies to be sent to each synod is repealed; but the clerk of the assembly is allowed to give copies to such of the judicatories of this church as shall call for them, upon their own expenses.—*Act 14. Ass. 1712.*

VIII. Recommended to, and kirk-sessions are appointed to

^a Supra, 4.

have a register, in which they shall record the names of every person dying within their respective parishes, and interred in their ordinary burying places, and the times of their death.—*Act 12. Ass. 1746.*

IX. Recommended, That presbyteries take the steps necessary to secure the keeping of three separate registers in every parish; in one of which, the names of all children and of their parents be recorded, with the dates of their birth; whether their parents belong to the church, or are dissenters; in another, the names of all persons married, with the dates of their marriages, whether legally solemnised or not, with the specialties of any particular cases which may occur; and in the third, the names of all persons who have died, with the particular dates of their deaths, whether they have been buried in the parish burying ground or elsewhere; and that these three registers be brought up to the presbytery of the bounds at the first meeting after the conclusion of each year respectively, in each of which, the presbytery shall enter their remarks on the manner in which it is kept, signed by the moderator for the time: A committee is appointed to communicate with the officers of the crown, in the view of obtaining the authority of the legislature to secure the faithful observance of this arrangement. Enjoined, that printed copies of the above recommendation be sent to all the presbyteries of the church, who are hereby required to communicate the same to all the kirk-sessions within bounds.—*Act 12. Ass. 1816.*

REMEDIES OF CORRUPTIONS AND ENORMITIES*.

Remedies Civil of Sins. That every congregation make use of the 9 act of parliament 1645, at Perth, for having magistrates and justices in every congregation, and of the 8 act of said parliament, against swearing, drinking, mocking of piety, and all other acts of parliament for restraining or punishing

* See Ministers, 1. 2.

of vice, particularly, for the better restraining the sin of whoredom, that each magistrate in every congregation exact, and make count to the session of forty pounds for each fornicator and fornicatrix, of 100 merks for each one of their relapses in fornication, of £100 for each adulterer and adultress, according to the express acts of parliament, which is to be exacted of those that may pay it; and the discretion of the magistrate is to modify it, according to the ability or inability of each delinquent.

Remedies Domestic. 1. That care be taken of the conscionable receiving of servants, that they have testimonials of their honest behaviour; and that all such as give testimonials, take heed that those, to whom they give them, be free of scolding, swearing, lying, or such like more common sins, as well as fornication, adultery, drunkenness, and other gross and heinous evils; that the ordinary time of giving testimonials be in the face of the session; and if any extraordinary exigent be, that it be given by the minister, with consent of the elder of the bounds wherein the person craving the testimonial hath resided; and if they have fallen or relapsed into scandalous sins, that their testimonial bear both their fall and their repentance. 2. That care be taken that the worship of God be practised, and discipline exercised in families, according to the directory for family worship in all things, as was appointed in the general assembly 1647; especially in the master's constant catechising of the family, and in the performance of the duties of the Sabbath by all the members thereof. 3. That persons to be married, and who have children to be baptised, who are very rude and ignorant, be stirred up and exhorted as at all times, so especially at that time, to obtain some measure of Christian knowledge in the grounds of religion, that they may give to the minister, before the elder of the bounds, an account of their knowledge, that so they may the better teach their family, and train up their children. 4. That every family that hath any in it that can read, have a bible and psalm-book, and make use of them; and where none can read,

that they be stirred up to train up their children in reading; and use any other good remedy the minister and session can fall on.

Remedies General Ecclesiastic. 1. That the remedies which were given at Perth 1645, and are mentioned in Sess. 10. June 13. Ass. 1646 ^a, anent the sins of ministers, be put in execution. 2. That suspension from the Lord's table be more carefully executed. 3. That persons relapse in adultery (or above), quadrilapse in fornication (or above), or often guilty of other gross scandals, be excommunicated somewhat more summarily than in an ordinary process, (except there be more than ordinary signs, and an eminent measure of repentance made known to the session and presbytery) both for the heinousness of the sins and continuance therein, and for terror to others, and these not to be relaxed from the sentence of excommunication, without evidence and undeniable signs of repentance. 4. That impartial proceeding be used against men of all qualities for their scandalous walking, and in particular for drunkenness, swearing, and other scandalous sins; and this to be tried at the visitations of kirks.

Remedies Particular Ecclesiastic. 1. That ministers catechise one day every week, wherein also they may baptise and lecture, or preach; and that they preach every Lord's day, both before and after noon, according to the former acts of general assemblies; that presbyteries and synods be very careful of this, and that every provincial book contain an exact account thereof. 2. That ministers examine all of every quality, of whose knowledge they have no certain notice. 3. That young persons be catechised by the minister, from the time they are capable of instruction, and that this be not delayed till they be of age to communicate. 4. That persons grossly ignorant be debarred from the communion; that for the first and second time they be debarred, suppressing their names; for the third time, expressing their names; for the

^a Ministers, 2.

fourth time, that they be brought to public repentance: All which is to be understood of them that profit nothing, and labour not for knowledge; but if they be profiting in any measure, or labouring that they may profit, their case is very considerable; they ought to have more forbearance.

Remedies Ecclesiastic against Profaneness. 1. That ignorant and scandalous persons be put off, and kept off kirk-sessions. 2. That every elder have a certain bounds assigned to him, that he may visit the same every month at least, and report to the session what scandals and abuses are therein. 3. That all scandalous persons be suspended from the Lord's supper. 4. That the minister deal in private with those who are professing public repentance before the elder of the bounds, thus to try the evidence of their repentance. 5. That those who have fallen in fornication make public profession of their repentance three several Sabbaths; who are guilty of relapse in fornication, six sabbaths; who are guilty of trilapse in fornication, or have once fallen in adultery, twenty-six Sabbaths; and these sins to be confessed both in one habit, viz. sackcloth: Quadrilapse in fornication, and relapse in adultery, three quarters of a year; incest or murder, a year or fifty-two Sabbaths, in case the magistrate do not his duty in punishing such crimes capitally: They that fall in fornication, or relapse therein, are first to confess their sin before the session, and thereafter before the congregation. They that are guilty of greater degrees of that sin, and of the other sins mentioned in this article, are to confess their sin both before the session and presbytery, there to shew some signs of repentance before they be brought to the congregation. 6. Some are to be rebuked at the time of catechising, who deserve more than a private reproof, and yet need not to be brought to public repentance. 7. It will be a good remedy against Sabbath-breaking by carriers and travellers, that the ministers where they dwell cause them to bring testimonials from the place where they rested on these Lord's days wherein they were from home. 8. That all persons who flit from

one parish to another have sufficient testimonials: This is to be extended to all gentlemen and persons of quality, and their followers, who come to reside in Edinburgh or elsewhere; and that the minister from whom they flit advertise the minister to whom they flit, if, to his knowledge, they be lying under any scandal. 9. That ministers be free with persons of quality, for amendment of their faults; and (if need shall be) that they take help thereto of some of the presbytery. 10. That presbyteries take special notice of ministers who converse frequently and familiarly with malignants, and with scandalous and profane persons; especially such as belong to other parishes. 11. That privy censures of presbyteries and synods be performed with more accuracy, diligence, and zeal. 12. For the better keeping of the Sabbath, That every elder take notice of such as are within his bounds, how they keep the kirk; and how the time his spent before, betwixt, and after public worship. 13. That no minister resort to any excommunicated person, without license from the presbytery, *nisi in extremis*; and that ministers take special notice of such persons as haunt with excommunicants, and process them. 14. Frequent correspondence betwixt presbyteries is a good remedy. 15. That at the visitation of each congregation, the session-book be well visited; and, for that effect, that it be delivered to two or three brethren seven or eight days before the visitation, that their report of it may be in readiness against the day of visitation.

—*Act Sess. 38. Aug. 10. Ass. 1648.*

REPRESENTATIVES IN ASSEMBLIES.

I. Recommended to particular presbyteries, and especially, to the ruling elders thereof, that they may take such course, whereby, according to reason and former acts of assemblies, the commissioners expences to subsequent assemblies may be borne by the particular parishes of every presbytery, who send them in their name, and in their behalf, and to that effect, that all sorts of persons able in land or monies, may bear a proportional part of the burden as they reap the benefit of

their pains.—*Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. Art. 10.*

II. An overture that the act for furnishing expenses to commissioners sent by presbyteries to the general assemblies, and sent in commission by general assemblies, may be explained; and that it be declared, That the expenses of all such commissioners whatsoever, may be furnished by the kirks of the presbytery, according to the order set down in the last assembly, since the errand is common, and the benefit concerneth all; and that order may be taken, how that an expedient voluntary course, thought fit by the assembly, shall, by advice of parliament, have the force of a law, for compelling those to pay who are stented, both for the last, and for that and subsequent assemblies; is allowed and referred to the parliament.—*Act Sess. 22. Aug. 29. Ass. 1639. Art. 3.*

III. That every commissioner from presbyteries and universities, who shall be absent from the assembly, without a reasonable excuse notified to the assembly, or, who, being present shall go from the assembly before the dissolving thereof, without licence, shall be suspended by the assembly, until the provincial synod next thereafter following.—*Act Sess. 27. Aug. ult. Ass. 1647.*

IV. Resolved in the mean time; until the matter concerning commissioners from burghs be further thought upon, that, according to the ordinary practice, no commission to the general assembly be admitted from burghs, but such as shall be consented to, and approven of by the ministry and session thereof; the persons elected being always elders.—*Act Sess. 4. July 15. Ass. 1648.*

V. The act of the assembly held at Burntisland 1601, ordaining, that in every assembly to be convened in all time thereafter, such as should happen to be appointed commissioners from the general assembly to endure, while the assembly next thereafter, should give an account of their proceedings during the whole time of their commission in the beginning of the assembly, before any other cause or matter be handled,

and their proceedings to be allowed, or disallowed, as the assembly should think expedient; is revived, by *Act Sess. 6: July 18. Ass. 1648.*

VI. That the representation of the several presbyteries of this national church, in its general assemblies, shall hold proportion to the number of parishes in which there are, or ought to be settled ministers within each presbytery, as follows, viz. That all presbyteries consisting of twelve parishes, or under that number, shall send in two ministers and one ruling elder; and that all presbyteries consisting of eighteen parishes, or under that number, but above twelve, shall send in three ministers and one ruling elder; and that all presbyteries consisting of twenty-four parishes, or under that number, but above eighteen, shall send in four ministers and two ruling elders; and lastly, that all presbyteries consisting of above twenty-four parishes shall send five ministers and two ruling elders commissioners to the general assembly. And 'tis declared, that collegiate kirks, where there use to be two or more ministers, are, so far as concerns the design of this act, understood to be as many distinct parishes. And no persons are to be admitted members of assemblies, but such as are either ministers or ruling elders.—*Act 5. Ass. 1694.*

VII. Appointed, That presbyteries choose their commissioners for the general assembly a competent time before the sitting thereof, at least forty days, and that each general assembly appoint a committee for censures, to cognosce upon the dates of commissions, and the attendance of these commissioned; to the end, that such presbyteries as do not make their election in due time, as likewise such commissioners as do not attend duly from the beginning, and through the whole diets of the general assembly, and the committees which they may be put upon, not having a relevant excuse, may be censured as the general assembly shall think fit; and 'tis recommended to presbyteries to choose such ruling elders to be their commissioners, as may attend, and seriously to exhort them, when chosen, to make conscience of attending upon general

assemblies; and the punctual observance of Act 4. Ass. 1694^a. anent giving in commissions, and making up the rolls the night before the assembly meet, or the next morning, is recommended; for which purpose the clerk is to attend in the assembly-house at that time.—*Act 6. Ass. 1698.*

VIII. All presbyteries are strictly enjoined to send their full representation to general assemblies, and that they make choice of such as are able to attend, and who, they have reason to believe, will give due attendance; and the clerk of the assembly is appointed to send the names of such commissioners as wholly absent themselves, to their several presbyteries and synods; and they are ordained to be censured for the first fault by their presbytery, and the censure to be recorded in the presbytery books; and for the second fault, by the synod, and the censure to be recorded in the synod books; and for the third fault, to be suspended by their respective synods, or presbyteries, conform to Act Sess. 27. Aug. ult. Ass. 1647^b. And in case of sickness, or other lawful excuse, the moderator of the presbytery is to be acquainted in due time, who is empowered to call a *pro re nata* meeting of presbytery, to choose other fit persons in their room; and if the excuse be sustained, what is offered in excuse is also to be recorded in their books, and the clerk of assembly is ordained to send an account of such as withdraw from the assembly, before the dissolution thereof, to their presbyteries, that they may admonish them therefor as they see cause.—*Act 7 Ass. 1709.*

IX. The assembly, according to the design of Act 5. Ass. 1694,^c founding upon a proportion to be observed betwixt the number of ministerial charges in presbyteries, and the number of commissioners, declare and appoint, that each presbytery whose number doth exceed thirty ministerial charges, shall send to the assembly six ministers and three ruling elders.—*Act 6. Ass. 1712.*

X. Tis resolved and appointed, That in all time thereafter,

^a Commissions to Representatives in Assemblies, 1. ^b Supra, 3. ^c Supra, 6.

no commission from any presbytery, burgh, or university, to their representatives in the general assemblies of this church, shall be sustained, but such as are in the terms of the acts of assembly, made for regulating elections of members of assembly, particularly Act 5. Ass. 1694^a, Act 6. Ass. 1698^b, and Act 6. Ass. 1704^c. All which acts are renewed; and presbyteries are appointed, not only to elect their full number of commissioners, but also to be careful to choose such persons as probably can attend; and presbyteries who send not up their full number of commissioners, and persons commissioned who either come not up, or are absent from any of the diets of assembly, are appointed to be censured, unless relevant excuses for them be laid before, and admitted by the assembly. And 'tis resolved and peremptorily enacted, That, in all time thereafter, no commission whatsoever for any ruling elder or elders, to sit as members of the assemblies of this church, be sustained, but such as shall bear particularly that they have signed the *formula* prescribed by Act 11. Ass. 1694^d, unless the said elders do instantly subscribe it in presence of the assembly, or a committee appointed by them, or do instruct that they have already subscribed the same; and all commissions, after they are written out and extracted, and before they be put into the hands of the commissioners, are appointed to be first read in presence of the presbytery, and to be revised by them, and that it be attested by the moderator or clerk of the presbytery upon the said commissions, that this was so done. And it is resolved and appointed, (until the matter concerning commissions from burghs be farther thought upon) That, in the mean time, no commissions from royal burghs to their representatives in assembly shall be sustained, but such as shall be consented to and approven of, not only by the ministry and kirk-sessions of the burgh, as is resolved

^a Supra, 6. ^b Supra, 7. ^c Commissions to Representatives in Assemblies, 1.
^d Instructions, 2.

by Act July 15. Ass. 1648 ^a, but also by the presbytery of the bounds, within which the burgh lies; and upon which, it shall be attested both by the kirk-session and the presbytery aforesaid, that the person or persons therein named are elders lawfully ordained, and have signed the *formula* above mentioned; and likewise, that they are either residenters in the burgh, or heritors in the burgh, or in the bounds of the presbytery where the burgh lies, or that they have formerly resided and officiated as elders in the said burgh or presbytery; And the general assembly extended the time by Act 6. Ass. 1698 ^b, for choosing commissioners from presbyteries, to those that should be thereafter sent from royal burghs.—*Act 9. Ass. 1718.*

XI. Enacted and declared, That the right of election of a representative to the general assembly from the university of Edinburgh, is only in the professors, principal, regents, masters, and others bearing office in that university, that is to say, the chancellor, rector, and dean of faculty, if any such there be, exclusive of all others; and the clerk of the assembly is discharged, in all time coming, to receive any commission to any person, or to insert any person's name in the rolls of assembly, as a representative from said university, in succeeding assemblies, whose commission is given in otherwise than is appointed by this *Act 6. Ass. 1723,*

XII. Enacted, That thereafter each presbytery of this church (excepting those in the northern or western Isles) shall make their elections yearly, within a month preceding the first of the forty days mentioned in Act 6. Ass. 1698 ^b; and that every presbytery at an ordinary meeting, to be entered in their minutes, at least ten free days before such election; and that, on the day of election, the presbytery shall make their election between one and eight in the afternoon; and that burghs and universities, who send members to the assembly, shall in like manner appoint the days of their elec-

^a Supra, 4. ^b Supra, 7.

tions, at their ordinary meeting of their council or university respectively, at least ten days before the day of such elections.

—*Act 9. Ass. 1738.*

XIII. Enacted and declared, That in time coming, none who are constituent members of the court shall act as counsel, or procurators in any causes which come before the assembly or commissions thereof.—*Act 4. Ass. 1751.*

XIV. Presbyteries are discharged from electing missionary ministers employed by the managers of the royal bounty for reformation in the Highlands and Islands, to be their commissioners to the general assembly in all time coming.—*Act 4. Ass. 1751.*

XV. Act 4. Ass. 1751, anent counsel or procurators extended to solicitors and agents by *Act 8. Ass. 1783.*

XVI. Appointed and declared, That in attesting commissions from royal burghs to their representatives in the general assembly, the attestation of any one kirk-session within the electing burgh shall be held as competent and sufficient to all the purposes for which sessional attestations are required.—*Act 9. Ass. 1788.*

RUNNING OF GOODS.

I. All men are warned of the sin, evil, and danger of running uncustomed goods: And all ministers, especially in sea-trading towns and places, are strictly enjoined to represent to their people and hearers, the great impiety and monstrous wickedness of such methods, to gain this world to the endangering of their souls; and earnestly to obtest them, to abstain from such crying sins and deadly courses. And this act is ordained to be read once in all churches, and as often in particular parishes, as the prudence of ministers shall direct.—*Act 9. Ass. 1719.*

II. The above act is renewed; and the judicatories of the church are enjoined to use their best endeavours, as there shall be occasion, to put a stop to perjuries in custom-houses; especially, in the French wine trade, by the conscientious and

impartial use of all the means appointed by the Lord Jesus Christ, against scandals of such an heinous nature.—*Act 15. Ass. 1736.*

III. 'Tis recommended to all ministers to discourage, as far as in them lies, by their discourses and example, the sinful and pernicious practice of smuggling; and appointed, That *Act 9. Ass. 1719^a*, and *Act 15. Ass. 1736^b*, be reprinted, and forthwith transmitted to presbyteries; and ordained, That the same be read from the pulpits of all the parish churches in Scotland.—*Act 7. Ass. 1744.*

SCANDALS AND SCANDALOUS PERSONS*.

I. All presbyteries and provincial assemblies are ordained to convene before them such as are scandalous and malicious, and would not acknowledge that assembly, nor acquiesce in the acts thereof; and to censure them, according to their malice and contempt, and acts of the kirk; and where presbyteries are refractory, power is granted to the several commissions, to summon them to compare before the next assembly, to abide their trial and censure.—*Act 26. Dec. Ass. 1638.*

II. That all presbyteries give up to the justices, the names of the adulterers, incestuous persons, witches, and sorcerers, and others guilty of such gross and fearful sins within their bounds, that they may be processed and punished, according to the laws of the kingdom, and that the presbyteries and synods be careful herein, as they will answer to the general assembly; and because witchcraft, charming, and such like, proceed many times from ignorance, and therefore all ministers, especially in these parts where these sins are frequent,

^a *Supra*, 1.

^b *Supra*, 2.

* Ministers Corruption in Office, § 8, 9. Corruption in person, § 1. 2. 5. 8. 5. Remedies General Ecclesiastic, 4. Remedies Ecclesiastic against Profaneness, 3. Oaths, 2. Excommunication Greater. Army, 4. 5. Competency of Church Judicatures, 1. 5.

be diligent in preaching, catechising, and conference, to inform their people therein.—*Overt. and Act Sess. 11. Aug. 5. Ass. 1642.*

III. Synods and presbyteries are ordained to proceed diligently in process with the censures of the kirk, even to the highest, against all persons who shall reproach or scandalize ministers, according as they shall find the degree and quality of the scandal deserves.—*Act Sess. 13. Aug. 6. Ass. 1642.*

IV. That all married persons, under public scandal for fornication committed before marriage (although the scandal thereof has not appeared before marriage) do satisfy publicly for the sin committed before their marriage, their being in the state of marriage notwithstanding; and that in the same manner as if they were not married.—*Act Sess. 7. June 11. Ass. 1646.*

V. Presbyteries are allowed, if they find cause, to send in to the general assembly, or commission thereof, the names of scandalous persons of whatsoever quality, guilty of gross immoralities, and contumacious to church discipline; with a full extract of the process, that they may proceed against them as they see cause.—*Act 15. Ass. 1700.*

VI. That the church proceed to the censures of excommunication against persons, who being challenged for scandal, do turn Papists, or pretend to do so to evite censure, after all the due pains taken to reclaim them proves ineffectual.—*Act 8. Ass. 1704.*

VII. Ordained, That after persons, the grossness of whose scandals makes it necessary to bring them oftener than once before the congregation, are convicted before the session, that it be judicially declared to them, that they have rendered themselves incapable of communion with the people of God in sealing ordinances; and that they be appointed to appear in public to be rebuked for their sin, conform to the institution, 1. Tim. v. 20. And 'tis referred to the respective judicatories of the church concerned, to determine how oft such delinquents shall appear in public, as they shall find it tend

most for edification : And 'tis ordained, That after a public rebuke, the minister and elders be at farther pains, in instructing the minds of the scandalous persons, if ignorant, in endeavouring to convince their consciences, and to bring them to a due sense of their sin, and to an engagement and serious resolution against all known sin, and to the performance of all known duty ; and that the session, upon satisfaction with their knowledge, and sense of their sin, admit them to the public profession of their repentance, in order to absolution : But if, after taking pains on them for some competent time, for their instruction and conviction, they still remain grossly ignorant, insensible, and unreformed ; that the minister and elders advise with the presbytery of the bounds ; and if the presbytery shall see cause, that then the sentence of lesser excommunication be publicly pronounced against them in the face of the congregation ; from which they are not to be relaxed, nor admitted to make public profession of their repentance in order thereto, till the session be satisfied with their knowledge, seriousness, and reformation. And lastly, the names of such as are under the censure of the less excommunication, are ordained to be publicly read out the Lord's day immediately preceding that, upon which the sacrament of the Lord's supper is to be administered.—*Act 4. Ass. 1705.*

VIII. Nothing ought to be admitted as the ground of a process for censure, but what has been declared censurable by the word of God, or some act or universal custom of this church agreeable thereto ; and scandals ought to be timeously noticed : but if a scandal be not noticed, in order to censure, for five years, it ought not to be revived, unless it be of an heinous nature, or become again flagrant ; but the consciences of such persons ought to be seriously dealt with in private, to bring them to a sense of their sin and duty.—*Form Proc. cap. 1. § 4. Act 11. Ass. 1707.*

IX. Members of kirk-sessions are wisely to consider the informations they get of scandals, and consult with their minister thereanent, even before the same be communicated to others ;

that thereby the spreading of the scandal may be prevented, and it may be removed by private admonition, according to our Lord and Saviour's rule, Matt. xviii. 15. *Form Proc. cap. 2. § 1.* And when it appears fit, that the party be privately spoken to, before citation, the minister is to exercise his own discretion, and to take the concurrence of elders and others with him.—*ib. § 4.*

X. One single act of drunkenness, or breach of the Lord's day, disobedience to parents, or swearing, cursing, scolding, fighting, lying, cheating, or stealing, may be clothed with such circumstances, as may be a just ground of process immediately, and even bring the guilty under the less excommunication, or suspension from sealing ordinances, and require their appearance in presence of the congregation, to be rebuked, before relaxation; but it is to be duly pondered, whether private admonition of the person guilty of the above scandals, not clothed with such circumstances, or the bringing them to public, will tend most to edification; and the judicatories are to proceed accordingly. *Form Proc. § 1.* But ordinarily, in all such offences, the guilty are for the first fault, to be spoken to in private by the minister or an elder, and admonished; and on promise, from a sense of guilt, to amend, they may sist there.—*ib. § 2.*

XI. A person relaxing in scandals should be called before the session, and if found guilty, be there judicially rebuked, and the session on promise, from a due sense of sin, to amend, may sist there. *ib. cap. 3. § 3.* But if the person amend not after that, the session should orderly proceed, unless repentance appear, and due satisfaction be offered, until they inflict the less excommunication, and suspension from sealing ordinances, under which, the censured is to ly until amendment and reformation.—*ib. § 4.*

XII. In scandals, the grossness of which, makes it necessary to bring the persons guilty, oftener than once before the

congregation, the rules prescribed by *Act 4. Ass. 1705*^a. are to be followed.—*ib. cap. 3. § 5.*

XIII. Processes, for the scandals of incest, adultery, tri-lapse in fornication, murder, atheism, idolatry, witchcraft, charming, heresy, and error vented and made public by any of the congregation, schism and separation from the public ordinances; and such like gross scandals, processes in order to the highest censures of the church, and continued contumacy, natively begin at the kirk-session; yet the session does not finally determine them themselves, but having received information of them, they are to weigh the same according to the rules and directions prescribed in other processes, which belong to their peculiar province, and to deal with the accused to confess; which being done, they are to refer the case, and send an extract of their procedure thereanent to the presbytery. *Form Proc. cap. 6. § 1.* When there is no confession of the above mentioned scandals, the session are not to lead probation of witnesses or presumptions, until the matter be first referred to the presbytery as aforesaid, and the presbytery appoint them to proceed and lead probation; and after probation is led, the same is to be brought to the presbytery, who may inflict what censure they see cause. *Ibid. § 2.* If the process be clear, as in case of a judicial confession, the session may summon the delinquent, when before them, to compare before the presbytery without previously acquainting them thereof; but where there is any difficulty, the session should take the presbytery's advice, before a party be summoned before them.—*Ib. § 3.* When the parties confess before the presbytery, and profess repentance, the presbytery having gravely rebuked, and seriously exhorted them, are to determine the censure, and to prescribe the time and place of the parties profession of repentance publicly, in the church of that congregation where the process began, or remit them to the session to give orders thereanent. *Ib. § 4.* 'Tis more fit that the scandal be removed in the congregation, where the offence-

^a *Supra*, 6.

is most flagrant; especially, if the party reside in that parish, rather than in the place where it was committed, if not public there; and that intimation be made, of the removing thereof, in other places, if found needful. *Ib.* § 5. When persons censured for gross scandals, apply to the session for relaxation, they may be both privately conferred with, and their acknowledgments heard before the session; but they ought not to be brought before the congregation, in order to absolution, nor be absolved, but by advice and order of the presbytery.—*Ibid.* § 6. *Act* 11. *Ass.* 1707.

SCHISM*.

I. Mr John Hepburn is suspended from the exercise of the ministry, and the sentence appointed to be intimated, as in *Act* 27. *Ass.* 1696.

II. All presbyteries and synods are enjoined to censure all such persons who, within their bounds, carry on divisive courses, and that they vigorously use all suitable means for reclaiming misled people, and for the preventing the growth of schism; and that the commission of the general assembly give their assistance in this good work to the several judicatories, as need shall require; and 'tis referred to the commission to cognosce in the complaints made against Mr John M^cMillan and Mr John Hepburn, for their divisive courses, or to send a committee to the bounds of Dumfries and Galloway for both these affairs, and visiting these bounds; which committee shall concur with the respective judicatories there, in cognoscing any schism or immorality that may have fallen out, and of error and insufficiency in any that may be delated on that account.—*Act* 18. *Ass.* 1704.

III. Mr John Hepburn is deposed from the exercise of the holy ministry, and is discharged to exercise the same, or any part thereof, in time coming, under the pain of the highest censures of the church for his irregular and divisive courses, mentioned in *Act* 7. *Ass.* 1705. *Nota.*—He was afterwards

* See Scandals, 12. Excommunication Greater.

reponed by the commission of assembly 1707, upon a reference to them of his case; but their procedure in that matter was found irregular, and excepted from the approbation of their books, by *Ass.* 1708.

IV. All presbyteries and synods are strictly enjoined to take particular notice of their members, ministers, preachers, and others; and if they find them fall into irregularities, or schismatical courses, that they call them to an account, and censure them according to the demerit of their fault, even to deposition of ministers and elders, and to apply to the commission for their advice, and report their diligence to the next assembly. This act contains a particular reference to the commission, of the disorders and schismatical courses of Mr James Farquhar, minister at Tyrie, and Mr John M'Neil, probationer.—*Act 6. Ass.* 1708.

V. Referred to the commission to proceed to censure Messrs John M'Millan, late minister at Balmaghie, John Taylor, late at Wampbray, John M'Neil, and John Adamson, pretended preachers; and Messrs John Hepburn, at Ore, and John Gilchrist, at Dunscore, separatists from the church; or to apply to the civil magistrate against them; And the presbytery of Dumfries is ordained to proceed against Messrs Hepburn and Gilchrist, or refer the matter to the commission: And the commission is instructed to apply to the civil government, for suppressing the disorders of all of them, and punishing such as are guilty of solemnising marriages clandestinely: And presbyteries are appointed to send informations of these things to the commission, that the same may be laid before government: And the several presbyteries and brethren in those counties where Popery abounds, or where Episcopal preachers intrude into parishes, churches, manses or glebes, are appointed to send in to the Lord Justice Clerk, the Lord Advocate, or Solicitor, particular informations, concerning the facts, parties names, the circumstances of the transgression, such as time, place, &c. with lists of the witnesses' names and dissignations, that can prove the said facts.—*Act 15. Ass.* 1715.

VI. The disobedience of Messrs James Wardlaw, Ralph Erskine, John Gibb, Daniel Hunter, John Geddes, and Thomas Mair, ministers in the presbytery of Dunfermline, to Act May 12. Ass: 1732, and several acts of the commission, appointing the said presbytery to enrol Mr Robert Stark, minister of Kinross, as a member thereof, and their conduct and behaviour before the assembly; are judged contrary to, and inconsistent with the subordination of judicatures established in the church, and the duty to the said judicatures, which they at their ordination engaged to perform; and therefore deserving the highest censures; yet they are only appointed to be sharply rebuked, and commanded to own Mr Stark as minister of Kinross, to encourage and strengthen him in his work, and to discourage all separation from, and non-subjection to his ministry: And they are inhibited and discharged from admitting any of the parish of Kinross to sealing ordinances, without the consent of Mr Stark, according to the act of assembly 1645^a: And the members of the presbytery of Dunfermling are discharged from offering, admitting or receiving any protest or dissent against Mr Stark's sitting and acting as a member of said presbytery, as minister of Kinross. And the commission is appointed to summon before them any who shall offer a protest or dissent, and the presbytery if they admit or receive the same; and censure such as they shall see cause; and they are enjoined to receive any complaint from the brethren of the presbytery of Dunfermline who have done their duty in obeying the appointment of the assembly; and to judge and censure, as they shall see cause, ministers and others who shall give them disturbance or discouragement in their work.—*Act 5. Ass. 1733.*

VII. Found that Mr. Ebenezer Erskine in a sermon, before the synod of Perth and Stirling, had vented indecent offensive expressions, tending to disquiet the peace of the church; and he is appointed to be rebuked at the bar of the assembly: But he together with Messrs. William Wilson,

^a Lord's Supper, 2.

Alexander Moncrieff, and James Fisher, gave in a protest, which is contained in the act, and craved that it might be read, and entered into the records of the assembly, And 'tis ordained, That these four brethren appear before the commission, and shew their sorrow for their conduct; and the commission is appointed to suspend such of them as disobey, from the exercise of their ministry. And in case any act contrary to the sentence of suspension, it is appointed to proceed to a higher censure against such as continue to offend: And the several presbyteries of which these are members, are appointed to report to the commission their conduct with respect to this *Act 7. Ass. 1733.*

VIII. The synod of Perth and Stirling are empowered, upon proper application, to take the case of Messrs. Ebenezer Erskine, Wm. Wilson, Alexander Moncrieff, and James Fisher, as it now stands, under their consideration, and to proceed and do therein as they shall find most expedient for promoting the peace, and preserving the authority of the church, and for uniting the four brethren to the church, and restoring them to their respective ministerial charges; but with express direction, that the synod shall not judge of the legality or formality of the proceedings of the church judicatories; or either approve of or censure the same.—*Act 8. Ass. 1734.*

IX. It being apprehended, that by Act 7. Ass. 1733 ^a, concerning Mr. Erskine and others, ministers are laid under greater restraints as to ministerial freedom than formerly; 'tis declared, That due and regular ministerial freedom is still left entire to all ministers, and the same is not any way impaired or restrained by the foresaid act.—*Act 9. Ass. 1734.*

X. 'Tis resolved, That although Messrs. Erskine, Wilson, Moncrieff, and Fisher, for seceding from the church might be censured according to the demerit of their fault; yet, that they still be treated with meekness and forbearance; and all

^a Supra, 6.

ministers, especially those of the synods and presbyteries, within which they reside, are enjoined to use their endeavours to reduce them to the communion of the church: And the commission is appointed to take into consideration any reports and representations concerning the behaviour of the seceding brethren: And 'tis recommended to all ministers and elders to endeavour, by all proper means, to reclaim those poor deluded people who have been carried away by this division, and to prevent the seduction of others, and the increase of this schism.—*Act 4. Ass. 1738.*

XI. 'Tis declared, That Messrs Erskines, Wilson, Moncrieff, Fisher, Mair, Nairn, and James Thomson, for offences found relevant and proven against them, merit deposition: But to give them a further time to return, and to render them altogether inexcusable if they should persist in their separation, it is thought fit to forbear inflicting the just censure upon them; but recommend it to the next general assembly to execute the sentence of deposition upon such of them as do not, before that time, return to their duty. And that all schismatical courses may be prevented, 'tis ordained, That all synods and presbyteries strictly observe Act 6. Ass. 1708^a; and that all ministers exhort the people, both publicly and privately, to guard against divisive courses, and to “keep the unity of the spirit in the bond of peace,” as they would consult the true interest of religion, and the quiet of their country.—*Act 4. Ass. 1739.*

XII. Messrs. Ebenezer Erskine, Ralph Erskine, William Wilson, Alexander Moncrieff, James Fisher, Thomas Mair, Thomas Nairn, and James Thomson, for offences found relevant and proven against them, are deposed from the office of the holy ministry, and all of them are prohibited and discharged from exercising the same in all time coming; and 'tis declared, That all the parishes or charges of the above persons are vacant, from, and after the day and date of this sentence:

^a Supra, 4.

And 'tis ordered, That copies thereof be sent to the several presbyteries of Perth, Stirling, Dunkeld, Dunfermline, and Kirkcaldie; and that these presbyteries send copies thereof to the kirk-sessions of the respective parishes hereby declared vacant, to be communicated to the elders. And the commission is instructed to decide in any process that may come before them from any synod or presbytery, towards the speedy settlement of any of the churches declared vacant by this *Act 4. Ass. 1740.*

XIII. Messrs. Thomas Gillespie at Carnock, Robert Stark at Torryburn, David Hunter at Saline, Alexander Daling at Cliesh, Thomas Ferlie at Dunfermline, and John Spence at Orwel, refusing to obey the assembly's appointment to admit Mr Andrew Richardson, minister of Inverkeithing, 'tis resolved, That one of the six disobedient brethren shall be deposed. And Mr Thomas Gillespie is deposed from the office of the holy ministry; prohibited and discharged from executing the same or any part thereof in all time coming within this church; and the church of Carnock is declared vacant. And 'tis remitted to the presbytery of Dunfermline to settle Mr Andrew Ritchardson, minister of Inverkeithing, on or before the 18th day of June next. And ordered, That an exact list of the ministers who shall be present that day be made up, and entered into the minutes of the presbytery, with such excuses as shall be made by any of them who shall be absent; and such of them as shall send no excuse, or whose excuse shall be rejected, are suspended from the exercise of their offices in all presbyteries, synods, and assemblies, until they testify their sorrow for their disobedience to the acts and ordinances of the general assembly.—*Act 4. Ass. 1752.*

SCHOOLS*.

I. 'Tis recommended to the several presbyteries, to see to

* See Visitations of Colleges. Libraries, 3. Christian Knowledge, 5. 7. 10. 11. 14. § 3. Highlands, 1. § 3. 5. § 3, 4. Papists, 16. 18. Visitations Presbyterial, 4.

the settling of schools in every landward parish, and providing of men able for the charge of teaching youth, public reading, and precenting of the psalms, and catechising of the common people; and that means be provided for their entertainment in the most convenient manner that may be had, according to the ability of the parish; and the particular course is referred to the several presbyteries.—*Act Sess. 23. 24. Dec. 17. Ass. 1638. Art. 6.*

II. 'Tis appointed, 1. That every parish have a reader and a school, where children are to be bred in reading, writing, and grounds of religion, according to the laudable acts both of kirk and parliament made before; and where grammar schools may be had, as in burghs, and other considerable places, (among which all presbytery-seats are to be reputed) that they be erected and held hand to. 2. That every minister, with his elders, give account to the presbytery, at the visitation of the kirk, anent these schools; that presbyteries make report to the synod, and the synod to the general assembly, what schools are planted as above said, and how they are provided with men and means. 3. That the ministers of every parish instruct the commissioners to the next assembly, that this course is begun betwixt and then, and that they further certify, from one general assembly to another, whether this course be continued without omission, or not. 4. 'Tis recommended to his Majesty and parliament, to put in execution the means formerly appointed for schools of all sorts, and to find out further means for so good a use, especially, that children of poor men (being very capable of learning and of good genius) may be trained up according as the exigence and necessity of every place shall require. 5. That the parliament be supplicated to allot maintenance for youths of the finest and best spirits in the Highlands and Borders, as bur-sars, to be bred in universities. 6. That a committee be appointed to consider the time and manner of visitation of schools, and to contribute the best and most compendious and orderly course of teaching grammar, who may report

their diligence to the assembly.—*Act Sess. 11. Aug. 5. Ass. 1642.*

III. 'Tis recommended to the several presbyteries within this national church, to use their endeavours that schools be erected in every parish within their respective bounds, conform to the acts of parliament and general assemblies; and synods are ordained to make particular enquiry, how this recommendation is observed.—*Act 10. Ass. 1699.*

IV. The assembly declare themselves willing to concur for the planting and propagating of religion in the Highlands, as the matter and success shall open unto them; and in obedience to what is recommended to them in her Majesty's letter, agree, that there be a contribution made, by way of subscription and otherwise, for erecting schools, and educating youth in the Highlands and Islands, where the same is not provided for already; and the method of the said collections, and management of the money when collected, is set down: And application is appointed to be made to the parliament, privy council, and those in the government, for obtaining their authority to get the said schools erected, and obliging parents to put their children thereto, and for making the said design effectual. And 'tis recommended to synods and presbyteries in the Highlands, to send in to the commission an account of what parishes have or want schools, and the reasons of their wanting thereof; and what places do most need, and are most convenient for erecting schools in; and also to send in an account of such students as are hopeful, whom they would have supplied; and this but prejudice of schools in every parish, appointed by act of parliament, and of the royal gifts in favours of the Highlands. And 'tis recommended to the commission to cause reprint and disperse the reasons and motives for carrying on the said design.—*Act 14. Ass. 1704.*

V. 'Tis appointed and ordained, That ministers take care to have schools erected in every parish, conform to the acts of parliament for the teaching of youth to read English, that the poor be taught upon charity, and that none be suffered to ne-

glect the teaching of their children to read : And sicklike, that in no parish the minister recommend youth to be taught Latin upon charity in any grammar school, but after examining the said child or children, in presence of three or four members of the session, as to their promptitude and dexterity in reading, and competent skill in writing, as to their virtuous inclinations, and as to the hopefulness of their proficiency ; and that none be received into grammar schools to be taught Latin upon charity, but upon such recommendations ; and also, that each presbytery appoint a committee of their number yearly to examine the poor scholars in the grammar schools, and such within their bounds as go to colleges with an eye to bursaries, and suffer none to proceed but such as are very forward and good proficient, and of good behaviour ; and that ministers recommend none to bursaries, but such as are so qualified : And 'tis recommended to regents and masters of colleges, that no persons, especially bursars, be laureated, but upon a clear evidence of sufficiency in their learning and good behaviour, after strict examination : And sicklike, 'tis recommended to masters in universities, and all other instructors of youth, that they be careful to instruct their scholars in the principles of the Christian reformed religion, according to the Holy Scriptures, our Confession of Faith, or such books only, as are entirely agreeable thereto. As also, 'tis recommended to professors of theology, that they take very particular notice of the piety and Christian carriage of their students ; and that their testimonials to presbyteries, for entering men upon trials for the ministry, bear their knowledge of the persons recommended, as to their moral and pious carriage, as to their progress in their studies, their promising parts, and their good affection to the government of church and state ; and that he truly judges the person fit for the service of the church : And presbyteries are enjoined to receive none upon testimonials from professors, but who are so attested.—*Act 5. Ass. 1705.*

VI. 'Tis appointed, That as to lands of her Majesty's pro-

perty, application be made by the commissions of assemblies to the Lords of Treasury and Exchequer, for her proportion of the legal allowance for schools; and as to other heritors, presbyteries are appointed to use all suitable endeavours to get schools erected and maintained in parishes, conform to the acts of parliament; and if that succeed not, to give an account of their diligence to the commission, who are empowered to assist them by application to the government, or otherwise competent: And as to wide and spacious parishes, that require more schools than one, Act 14. Ass. 1704^a, anent erecting schools in the Highlands is renewed, and continued until altered by the assembly, and the execution thereof recommended to presbyteries. And 'tis recommended to synods and presbyteries, to send in to the commission distinct accounts what parishes in their bounds have or want schools, what are the reasons why they want the same, what places do most need them, what is the extent of those parishes that are spacious, and what are the places in each parish most convenient for fixing one or more schools in; and that they send an account of the names of such students as are hopeful, and whom they could recommend for teaching those schools; and the commission is ordained to put in order and record these accounts. And presbyteries are appointed to deal earnestly with the patrons of vacant parishes, to apply the vacant stipends to the above ends. And 'tis recommended to the commission, to give all encouragement to such as incline to enter into societies for erecting and maintaining schools; and to think on overtures for that purpose. And the commission is ordained to enquire what is become of the money collected in presbyteries for erecting schools in the Highlands, in pursuance of the foresaid Act 1704^b, and to use endeavours to make the same effectual: And presbyteries are ordered to report their diligence to the commission, and also to give particular accounts to the next assembly, how former acts about

^a Supra, 4 ^b Supra, 4.

schools in every parish, and visitations thereof, &c. are observed. And 'tis recommended to subsequent assemblies, to appoint particular committees to receive reports of presbyteries in that matter, to be laid before succeeding assemblies.—*Act 5. Ass. 1707.*

VII. 'Tis appointed, That presbyteries enquire, whether or not a parochial school be established in every parish in their bounds, and, where such schools are wanting, that they make application to the commissioners of supply for having parochial schools, with legal salaries, erected in every parish as the law directs: And the procurator and agent for the church are appointed, at the public charge, to prosecute for having the laws respecting parochial schools put in execution.—*Act 6. Ass. 1758.*

SCHOOLMASTERS*.

I. 'Tis recommended to the parliament or committee for plantation of churches, That whatever either in parishes of burgh or landward was formerly given for maintenance of those who were readers, precentors in congregations, and teachers of schools before the establishing of the directory for public worship, may not be, in whole or in part, alienated or taken away, but be reserved for the maintenance of sufficient schoolmasters and precentors, who are to be approved by the presbytery; and presbyteries are required to see, that none of that maintenance given to the foresaid uses, or in use to be paid thereunto, before the establishing of the directory for worship, be drawn away from the church.—*Act Sess. ult. Aug. 6. Ass. 1649.*

II. All prebyteries are appointed to take special, exact, and particular notice of all schoolmasters, chaplains, governors, and padagogues of youth within their respective bounds, and oblige them to subscribe the confession of faith of this church,

* See Parishes, 5. Confession of Faith, 3. 8. Christian Knowledge, 6. Psalms.

as the confession of their faith; and, in case of continued negligence, (after admonition) error, or immoralities, or of their teaching erroneous principles, or not being careful to educate those under their charge in the Protestant reformed religion, that the presbytery, with respect to schoolmasters apply to the civil magistrate in burghs, and heritors in landward, and with respect to governors, chaplains, and pedagogues, to masters, for removing such persons from these offices; and if this be not remedied by them, that the presbytery, with respect to schoolmasters, apply to the commission of parliament for visitation of schools and colleges: And 'tis appointed, That an account be given in every half year to the presbytery by ministers, what schoolmasters, chaplains, and governors are in their respective parishes: And 'tis recommended to masters of colleges to take care, and use their authority for the same ends, that the delinquents may be proceeded against by the respective presbyteries, and censured upon clear evidences of their guilt.—*Act 10. Ass. 1700.*

III. 'Tis recommended to such as have power of settling schoolmasters in parishes, to prefer thereto men who have passed their course at colleges and universities, and taken their degrees, before others who have not, *cæteris paribus*. And 'tis recommended to presbyteries to take special care, that all the schoolmasters within their bounds, be such as have subscribed the confession of faith, and that presbyteries visit all the public grammar schools within their bounds, by some of their number appointed for that effect, at least twice every year; and also synods are appointed, at their privy censures, to enquire at presbyteries, how they have obeyed this recommendation: And 'tis recommended to the respective presbyteries in the Highlands, who are appointed to contribute for bursaries to be bestowed on students having the Irish language, that they pay the same punctually, conform to the act of the assembly thereanent.—*Act 13. Ass. 1706.*

IV. 'Tis recommended to presbyteries to take a watchful inspection of schools within their bounds, and of the character

and behaviour of schoolmasters, and to take care that they be qualified, by taking the oaths to government, and that they instruct the youth in just principles of religion and loyalty.—

Act 4. Ass. 1749.

V. 'Tis enjoined, That all parochial schoolmasters, and other teachers of schools within this church, cause the Holy Bible to be read as a regular exercise in their schools, by the children under their care. Also enjoined, That the shorter catechism be taught in all parochial and other schools: And that the children be required to commit the same to memory, and by frequent repetition to fix it deep in their minds. And appointed, That all ministers from time to time, visit and examine the schools within their respective parishes, and take care that the teachers do their duty in those respects. And presbyteries are ordained to make enquiry concerning the obedience given by their several members to this act; and they are farther ordained, to appoint presbyterial visitation of the schools within their bounds, at least once every year, and exercise that authority which, by law, is vested in them for obtaining the important end in view. 'Tis moreover ordained, That a copy of this act be sent to every minister, and every parochial schoolmaster within the bounds of the church; and that every presbytery report their diligence, in compliance with the terms thereof, upon the back of their commission to their representatives in the ensuing general assembly.—*Act 9. Ass. 1794.*

VI. 'Tis enjoined on all presbyteries of this church, That they be diligent in exercising those powers which the laws of the land and of the church have committed to them respecting the education of youth within their bounds; and particularly, that they call before them all teachers of youth, whether in parochial schools or schools of another description, and take trial of their sufficiency and qualification in those branches of education which they profess to teach. And 'tis recommended to the procurator, to give his assistance in this matter to all presbyteries of the church; and to carry on at the public

expencc such processes as may be necessary for enforcing the sentences, or ascertaining the powers of the church relative to schools; and his Majesty's advocate and solicitor general are requested to concur with him in supporting her jurisdiction. And 'tis further enjoined, That presbyteries report to the assembly a list of all the schools within their bounds, specifying what is taught in each school; whether the schools be held on the Lord's day, or on other days of the week; in what manner the schoolmasters are supported or maintained; whether they act for themselves; or under the direction of others; what number of scholars attend each school at the time of making the report; and whatever else shall appear to the presbytery important, respecting schools within their bounds. And 'tis recommended to presbyteries to require all parochial schoolmasters to subscribe the confession of faith and *formula*, if they have not already done so, and to ask all teachers of youth, without exception, to produce to the presbytery, attestations of their having taken the oaths to government; and a particular report of their obedience is ordered to be made to the next assembly. And 'tis enjoined, on presbyteries to transmit, without delay, attested copies of their reports to the assembly, to the sheriffs within whose jurisdiction they are situated.—*Act 11. Ass. 1800.*

VII. 'Tis recommended to the several presbyteries, and especially to those who have not hitherto contributed, to promote a subscription among their members, in order to assist the funds of the church, in extinguishing a debt contracted in prosecuting the appeal in the cause relating to the schoolmaster of Bothwell.—*Act 12. Ass. 1800.*

VIII. The order contained in Act 11. Ass. 1800^a, is renewed: And 'tis enjoined, That the presbyteries who have not obeyed the order, send up their reports; and that those, whose reports are not according to the terms of the order, supply the deficiencies of their former procedure, and report

^a *Supra*, 6.

their obedience; and 'tis recommended to the presbyteries whose reports are complete, to continue their attention to the important object; and to report any new facts relative to teachers and schoolmasters, that may arise within their bounds during the ensuing year: All these reports to be transmitted to the next assembly.—*Act 8. Ass. 1801.*

IX. The firmness and propriety of the presbytery of Brechin in asserting their indubitable right to examine schools of every description within their bounds, is approved of; and recommended to the members of that, and of all presbyteries of this church, to continue their vigilance in attending to the different schools within their bounds. This judgment is ordered to be inserted among the printed acts of assembly.—*Act 5. Ass. 1817.*

SIMONY.

I. Presbyteries are enjoined to take all proper measures to discover if any minister or probationer has entered into any simoniacal paction or practice in order to obtain a presentation, or procure a call to a vacant parish, and to lay a representation of any such practice before the assembly, that the procurator may prosecute for a reduction of any such bargain or obligation; and 'tis declared a just cause of deposition in a minister, or of taking away the license of a probationer.—*Act 5. Ass. 1753.*

II. 'Tis enjoined, in order to prevent simoniacal practices, That all presbyteries take all proper measures to discover, if any such have happened in their bounds; and if it shall be found that any minister or probationer, or by friends, have obliged themselves, before their settlement, not to commence any process against the heritors for augmentation of stipend, reparation of manse, office-houses, or enlarging his glebe, or become bound for any sum of money, to the patron or others concerned, in order to procure a presentation, or to the heritors or others concerned to procure a concurrence, or a call; or have entered into any simoniacal paction or practice

to that effect; that the presbytery represent the matter to the assembly, that the procurator may be ordered to prosecute for a reduction of such bargains or obligations before the court of session: And 'tis declared a just cause of deposition in a minister, or taking away the license of a probationer; and presbyteries are ordained to proceed to such sentences against all such ministers or probationers as shall hereafter be found to have entered into such bargains themselves previous to their settlements, or who shall afterwards homologate the deed of their friends: And 'tis enacted, That if any such simoniacal practices shall be carried on by any person whatsoever, to promote or procure any benefice or office in the church to any minister or probationer, though without his consent or approbation; and if, when he comes to the knowledge of them, he shall not acquaint the presbytery of the bounds thereof, at their first meeting after getting such information, then and in that case, he shall, if a minister, be deposed, and if a probationer, be deprived of his license. And, further, 'tis appointed, That this act be read by all presbyteries to every person before he be licensed to preach the gospel, and to every candidate for a settlement in their bounds before they take any steps towards his settlement.—
Act 8. Ass. 1759.

III. Ordered, That upon a presentation being lodged with any presbytery of this church, before the presbytery take any steps towards the settlement of the presentee, the moderator shall read to him *Act 5. Ass. 1753*^a, and *Act 8. Ass. 1759*^b, and thereafter the presentee shall subscribe *coram*, the following solemn declaration, as engrossed in the presbytery record, which shall be authenticated by the signature of the moderator, in name and by appointment of the presbytery. “ I, “ A. B., presentee to the parish and church of D., or appointed to be assistant and successor to E. F., minister of “ the parish of H., hereby solemnly declare, as I shall an-

^a *Supra*, 1.

^b *Supra*, 2.

“ swer to God at the great day of judgment, that I have
 “ come under no engagement, expressed or understood, with
 “ the patron or heritors of the parish of D., nor with any
 “ person or persons in their name, or on their account, that
 “ neither by myself, nor by any person with my knowledge,
 “ has any thing been given or promised, to proeure me a
 “ presentation to the vacant ehurch of D., and if at any time
 “ thereafter it shall come to my knowledge, that any thing
 “ has been given, or has been promised to be given to the
 “ patron, or to any other person, for procuring the presenta-
 “ tion now laid on the presbytery’s table, to the vacant pa-
 “ rish and ehurch of D., I will immediately reveal it to the
 “ presbytery. (Signed) A. B., presentee to the parish of
 “ D.”—“ J. H., moderator, in name and by appointment of
 “ the presbytery.” And that till such declaration is subseribed
 ed as above, the presbyteries of this ehurch are prohibited
 from proceeding to the settlement of presentees, and that a
 copy of this act be given to each candidate for the ministry
 at the time he is licensed ; all which procedure shall be with-
 out prejudice to the presbytery’s right of putting such ques-
 tions to the presentee as they shall deem necessary on the
 circumstanees of the ease ; and that, in the mean time, this
 overture be converted in an interim act,—*Act 7. Ass. 1818.*
 —Retransmitted by *Act. 9. Ass. 1819.*

STIPENDS *.

I. Recommended, to the parliament, or commission for planting kirks, to provide ministers in manses and glebes, and remead the prejudice sustained by ministers in having their glebes divided into parcels, and by lying far from their charges.— *Sess. ult. Sept. 1. Ass. 1647.*

II. Recommended to the commission of plantation of kirks, to give due dispatch and encouragement to all processes for modification and locality of stipends, that so ministers may

* See Vacant Stipends. Kirks, 5. Papists, 18.

have a suitable maintenance, and a competency for communion elements, and ready access thereto. And 'tis recommended to the several presbyteries, to send in an account to the clerk of the general assembly, or agent for the kirk, of such parishes in their bounds as either want legal stipends; or want decreets for their stipends and communion elements; and to send therewith an account of the state of such parishes, and of the church, manse, and glebe thereof: And that in all transportations in time coming, previous enquiry be made, if there be a legal stipend, and a decret therefore, in the parish craving the transportation.—*Act 5. Ass. 1702.*

III. Recommended to presbyteries, to give information to the commission anent mortifications and stipends that have been dilapidated or suppressed; and the commission is appointed to be assistant to ministers in recovering thereof.—*Act 12. Ass. 1706.*

IV. Resolved, That an humble application be made to the King and Parliament for the following purposes; viz. That in raising a summons for modification, locality, and augmentation of stipend, it shall be sufficient that a general citation be made by every clerk from his desk; and letters written to absent heritors by the moderator of the presbytery; that the moderator of the presbytery pursue for an augmentation whether a parish be vacant or not; that ministers' stipends, if not paid within the year, shall bear interest from the first half-year after they become due; that the commission of tiends shall have power to suppress, to annex, and to alter the divisions of parishes: And the assembly's commissioners are instructed to pray for relief in the premises, and for such further relief as to his Majesty and parliament shall seem meet.—*Act 4. Ass. 1750.*—*Nota.* This application was put off by the then session of parliament, and seems never after to have been resumed.

V. Enacted, That in all time coming no minister shall make any composition with his heritors, with respect to obtaining a decret of modification and locality for his stipend,

but at the sight of the presbytery of the bounds.—*Act 6. Ass. 1759.* This, by an overture, extended to manse, by Assembly 1760.

VI. Enjoined, that presbyteries take an exact account on the place, of the extent of the stipend, glebe, grass, and other emoluments, belonging to every minister within their bounds, and record the same with accuracy in their presbytery-books. And 'tis appointed, That in case any person liable refuse or withhold any part of stipend, incumbents shall report the same to the presbytery, who are to give such directions for its recovery as the nature of the case may require; and that where a minister possesses more glebes than one, and has been in the use of setting such as are most remote, they shall, in time coming, after the boundaries are accurately ascertained, only be let by a tack, in which the extent and marches shall be particularly set forth, and the same lodged with the presbytery-clerk.—*Act 8. Ass. 1762.*

VII. Enjoined, that all the synods take care the presbyteries strictly obey the above Act 8. Ass. 1762^a, particularly respecting the extent and marches of glebes, and other emoluments as expressed in that act.—*Act 8. Ass. 1802.*

SUPERSTITIOUS OBSERVANCES.

I. Funeral sermons are discharged, as savouring of superstition.—*Sess. 23, 24. Dec. 17, 18. Ass. 1638. Art. 22.*

II. That idolatrous monuments be taken down, demolished, and destroyed with all convenient diligence; and the care of that work is committed to presbyteries and provincial assemblies within the kingdom; and that their commissioners report their diligence therein to the assembly.—*Act Sess. 2. July 29. Ass. 1640.*

III. That whatsoever person or persons, after the date of this act, should be found guilty of keeping of Yule day, and other superstitious days, be proceeded against by kirk cen-

^a *Supra*, 6.

tures, and shall make repentance therefore, in the face of the congregation where the offence is committed; and that presbyteries and provincial synods take particular notice, how ministers try and censure delinquents of this kind within the several parishes; and scholars or students, being found guilty, be severely disciplined and chastised therefore by their master; and in case the masters of schools or colleges be accessory to the said superstitious profanity, by their connivance, granting of liberty of vacancy to their scholars, at that time, or any time thereafter in compensation thereof, that the masters be summoned by the minister of the place, to compare before the next ensuing general assembly, there to be censured according to their trespass; and if scholars, being guilty, refuse to subject themselves to correction, or be fugitives from discipline, that they be not received into any other schools or colleges within Scotland.—*Act Sess. ult. Feb. 13. Ass. 1645.*

SUPPLICATION*.

I. Resolved, That an humble supplication be directed to his Majesty, testifying the assembly's most hearty thankfulness for his royal favour, manifested in his public indiction of their solemn meeting, for purging and preserving religion, and informing him, from themselves, of their most religious and loyal designs in their proceedings, and entreating his Majesty's approbation and ratification in the then ensuing parliament to their constitutions. This supplication is subjoined to *Act Sess. 26. Dec. 20. Ass. 1638.*

II. The King is supplicated for his civil sanction and ratification of the constitutions in parliament,—*Act Aug. 30. Ass. 1639.*

III. A petition or supplication from the distressed Christians in Ireland to the general assembly, shewing their having joined in the solemn league, and that the churches in Holland have supplied them with provisions in their straits; and

* See Declaration, 1. Confession of Faith, 4. Unity in Religion, 3.

begging that the assembly would join with them in returning thanks to these churches; and would pass the bill, already advised by the committee of bills, for empowering the commission to grant them a competent number of ministers, when they shall see their call cleared; and, in the meantime, renew their usual supply of ministers.—*Sess. 2. May 30. Ass. 1644.*

IV. Supplication by the assembly 1642, to King Charles I. craving that his Majesty would advance the uniformity of church government betwixt the two kingdoms.—*Sess. 8. Aug. 3. Ass. 1642.*

V. Petition by the general assembly 1645, to the parliament, entreating them to proceed with some speedy course of justice against such persons, as were known to have joined themselves either actually in arms, or by their counsels, supplies, or encouragements, have strengthened the bloody enemies of the Reformation, viz. the barbarous Irish, who have invaded the land, and treacherous countrymen, who have joined them; and to resolve upon, and put in execution, all lawful and possible ways of speedy and active pursuing and extirpating these barbarous and unnatural enemies within the kingdom.—*Sess. 14. Feb. 7. Ass. 1645.*

VI. Supplication by the general assembly 1648, to the committee of estates, entreating them to take such course, as that the declaration and bond, of the date 10 June, 1648, inserted *Sess. 18. July 28.*^a be no further pressed upon the people of God, that they would think upon an effectual remedy for punishing and redressing the violence and oppression of officers and soldiers in their quarterings, and otherwise, that they would take off the inhibition laid upon printers, whereby one of the kirk's privileges, confirmed by parliament, is restrained; and that they would seriously ponder the assembly's declaration concerning present dangers and duties (inserted *Sess. 21.*

^a Declaration, 7.

July ult. Ass. 1648 ^a.) then offered to them.—*Sess. 25. Aug. 2. Ass. 1648.*

VII. Supplication by the general assembly 1648, to the King, declaring their duty and loyalty to his Majesty, wishing him a righteous and peaceable reign, faithfully warning him of his danger and duty, declaring their sympathy with him in his sufferings and low condition, and their abhorrence of what has been done to his person, and entreating him to see the righteous hand of the Lord in writing bitter things against him for all his provocations; especially, for resisting the work of reformation, and authorising, by his commissions, the shedding of the blood of God's people, and exhorting him to repent, declaring their sense of the unlawfulness of the engagement, and beseeching his Majesty not to own it, or have any hand in it, and entreating him to give his royal assent, for enjoining the league and covenant in all his dominions, and for securing religion, and to employ his royal power for advancing the kingdom of the Son of God.—*Sess. 40. Aug. 11. Ass. 1648.*

VIII. Parliament is supplicated, that beside the settling of minister's stipends, done by the act of parliament, abolishing patronages, the tithes mentioned in the act, may be affected with the burden of pious uses within the respective parishes; and for this effect, that the sitting of the commission for plantation of kirks be hastened.—*Act Sess. 23. July 24. Ass. 1649.*

IX. A petition from the general assembly to both houses of parliament anent the political privileges of the Roman Catholics, wherein, declaring their anxiety for the preservation of religious toleration, and the removal of all ground of dissatisfaction at the eventful period, they trust, from the connection of the Roman Catholics with a foreign Pontiff, an enemy to our ecclesiastical constitution, and the peculiar nature, spirit, and tendency of their religion, that, should the legislature deem it necessary, from the exigency of the times, to make

^a Declaration, 8.

any change in the securities adopted at the Revolution, that the utmost caution and prudence will be exercised that none of the bulwarks of the civil or ecclesiastical constitution be exposed to hazard; and effectual precautions be adopted to exclude foreign influence from the councils and administration of the state, and to maintain the land impregnable to foreign innovation, intrigue, and corruption; solemnly pledging themselves to discharge with fidelity and vigilance, the duties as office-bearers of the Church of Scotland, and to cherish in the minds of their people, the principles of religious liberty incorporated with the British constitution, and which are the glory of our land.—*Act 5. Ass. 1813.*

SYNODS.

I. The order of provincial assemblies or synods, as then given in by the most ancient of the ministry within every province, as the ancient platform thereof, ordained to be observed, conform to the roll registrated in the books of assembly.—*Sess. 23, 24. Dec. 17, 18. Ass. 1638. Art. 11.*

Roll of provincial assemblies and presbyteries in each province.

The provincial assemblies.

1. *Of Merse and Tiviotdale*, containing the presbyteries of Dunse, Chirnside, Kelso, Earlston, Jedburgh, Melrose.—Within the bounds of Merse, Tiviotdale, the Forest, Lauderdale.
2. *Of Lothian*, containing the presbyteries of Dunbar, Haddington, Dalkeith, Edinburgh, Peebles, Linlithgow.—Bounds, East Lothian, Mid Lothian, Tweeddale, West Lothian.
3. *Of Perth*, containing the presbyteries of Perth, Dunkeld, Stirling, Auchterarder, Dumblain.—Bounds, Sheriffdom of Perth, Stirlingshire.
4. *Of Dumfries*, containing the presbyteries of Dumfries,

Penport, Lochmaben, Middlebee.—Bounds, Nithsdale, Annandale, Ewesdale, Wauchopdale, and a part of Galloway.

5. *Of Galloway*, containing the presbyteries of Wigton, Kirkcudbright, Strauraer.—Bounds, Sheriffdom of Wigton, Stewartry of Kirkcudbright.

6. *Of Air or Irvine*, containing the presbyteries of Air, Irvine.—Bounds, Sheriffdom of Air.

7. *Of Glasgow*, containing the presbyteries of Paisley, Glasgow, Lanark, Dumbarton, Hamilton.—Bounds, Shire of Lennox, Barony of Renfrew, Shire of Cliddesdale Over and Nether.

8. *Of Argyle*, containing the presbyteries of Dunmoor, Kinloch, Sky, Inverary, Kilmoir.—Bounds, Sheriffdoms of Argyle and Bute, with a part of Lochaber.

9. *Of Fife*, containing the presbyteries of St Andrews, Kirkaldie, Cupar, Dunfermling.—Bounds, Sheriffdom of Fife.

10. *Of Angus and Mearns*, containing the presbyteries of Aberbrothick, Meigle, Dundee, Forfar, Brechin, Mearns.—Bounds, the Sheriffdom of Forfar and Mearns.

11. *Of Aberdeen*, containing the presbyteries of Aberdeen, Kincardine, Alfoord, Deer, Ellon, Turreff, Fordice.—Bounds, the Sheriffdom of Banff and Aberdeen.

12. *Of Murray*, containing the presbyteries of Inverness, Forres, Elgin, Strathbogie, Abernethy, Aberlour.—Bounds, part of the Sheriffdoms of Inverness, Nairn, Murray, Banff, and Aberdeen.

13. *Of Ross*, containing the presbyteries of Chanonrie, Tain, Dingwall.—Bounds, part of the Sheriffdom of Inverness.

14. *Of Caithness*, containing the presbyteries of Dornoch, Wick, Thurso.—Bounds, Caithness, Sutherland.

15. *Of Orkney and Zetland*, containing the presbyteries of Kirkwall, Scalloway.—Bounds, the Sheriffdom of Orkney and Zetland.

16. *Of the Isles*. All the kirks of North-west Isles, viz.

Sky, Lewis, and the rest of the Isles, which were liable to the diocese of the Isles, except the South-west Isles, which are joined to the presbyteries of Argyle.

That such of these synodical assemblies as are nearest to others have correspondence among themselves, by sending one or two commissioners mutually from one to another, as follows, viz. the provincial synods of Lothian and Merse, &c.; the provincial synods of Dumfries, Galloway, and Argyle; the provincials of Perth, Fife, and Angus, &c.; the provincials of Aberdeen and Murray; the provincials of Ross, Caithness, and Orkney: and the commissioners for correspondence amongst the synods to be a minister and ruling elder.—*Ib.*

II. All presbyteries are discharged thereafter to make any nomination of persons to be moderators to their provincial synods; and synods are ordained, in their first meeting, to elect their moderators, and to make their own lists for that effect, without tying themselves to these persons who have been named and designed in the particular presbyteries.—*Act Sess. 7. June 4. Ass. 1644.*

III. Recommended to provincial assemblies, that thereafter they cause read all their acts before the dissolving of every assembly; and that their registers be written formally, and in a good hand writing, with the several leaves and pages thereof marked by cyphers, according to their number.—*Act Sess. 4. June 6. Ass. 1646.*

IV. The synods of Lothian, Perth, Fife, and Aberdeen, are ordered to send correspondents to the synod of Angus and Mearns, until the assembly should see cause to alter it.—*Act 7. Ass. 1701.*

V. The above correspondence continued for one year, and is thenceforth to cease; and the foresaid four synods to be free of the burden thereof, unless, upon application of the said synod of Angus and Mearns to subsequent assemblies, they should see cause to continue or renew the same.—*Act 6. Ass. 1718.*

 SYNOD-BOOKS *.

I. That the clerk at least subscribe every synod-book before it comes to the assembly, and that every act be noted in the margin for a directory of expedition.—*Overt. and Act Sess. 11. Aug. 5. Ass. 1642.*

II. That the books of every provincial assembly be brought and produced to every general assembly, and that every clerk to the provincials either bring, or send their books yearly to the general assemblies, by the commissioners sent to the assemblies from these presbyteries where the clerks reside, and while some means be provided, whereby the clerk's charge may be sustained for coming with the said books themselves, and that under the pain of deprivation of the clerk in case of his neglect, and of such censures of the said commissioners, in case of their neglect, as the assembly shall think convenient.—*Act Sess. 3. July 29. Ass. 1642.*

III. Recommended to all synods to take care that their registers be always completely filled up before the sitting of the general assembly, and that the proceedings of every synod be signed both by the moderator and clerk thereof; and the synod-books thus filled up and subscribed, are appointed to be timeously produced to the general assembly yearly, in order to their being revised.—*Act 11. Ass. 1698.*

IV. All synod-books are ordered in time coming, to be punctually brought in, and presented to the general assembly yearly, in the beginning thereof, according to the ancient laudable custom.—*Act 3. Ass. 1702.*

V. The several synods are appointed to make up a roll of all matters that have been, or shall be recommended by assemblies to be enquired at presbyteries; and the said roll is ordered to be inserted in their register, and given in to the visitors of presbytery-books; and the visitors are ordered to

* See Papists, 4. § 5. 9. § 6. 14. § 4.

take notice of, and report the diligence of presbyteries in executing the acts and recommendations of assembly: And agreed, that the assembly shall make up a roll of all matters appointed to be enquired at synods; and every new act and recommendation, as soon as they are made, are ordained to be added to the said rolls, that the assembly may know how their acts and recommendations are observed by the several synods and presbyteries ^a.—*Act 11. Ass. 1712.*

VI. The following roll or list of matters is appointed to be put into the hands of the visitors of synod-books, at each assembly, for the direction and assistance of visiting the said books, and the visitors in going through the said books, are carefully to advert, 1. If the advices marked in the former attestations of the synod-books be observed. 2. If the books be completely filled up, and signed by the moderator and clerk, as enjoined by Act 11. Ass. 1698 ^b, and be produced yearly, according to Act 3. Ass. 1702 ^c. 3. If the synod's proceedings be agreeable to the constitutions of this church, and acts of assembly; and if the register be correctly written and spelled, without contractions; and when there is any thing written on the margin, which should have been in the body, if it be signed by the clerk; and where words are blotted out as superfluous, if it be marked on the margin, how many words or lines are blotted out, and that it was done by authority, and if the marginal note be signed by the moderator and clerk, and if there be any blottings or interlinings in the register; see Act 9. Ass. 1706 ^d. 4. If the synods call their presbyteries to an account as to their care about ministers reading and expounding a large portion of Scripture in their congregations every Lord's day, according to Act 9. Ass. 1694 ^e, Act 5. Ass. 1704 ^f, and Act 10. Ass. 1706 ^g; and as to their preaching catechetical doctrine, according to Act 18.

^a See first part of the act in Lord's supper.

^b *Supra*, 3.

^c *Supra*, 4.

^d Registers, 6.

^e Lecturing, 1.

^f *Ibid.* 2.

^g *Ibid.* 8.

Ass. 1695 ^a. 5. If care be taken that the sacrament of the Lord's supper be administered in each parish, at least once every year, and where any ministers neglect the same, if they be called to an account, and if their excuses be either approved, or disapproved, as is enjoined by Act 11. Ass. 1706 ^b. 6. If synods enquire concerning presbyteries holding parochial visitations, and ministers visiting of families, according to Act 16. Ass. 1706 ^c; the buying and reading of the acts and overtures of the general assembly, according to Act 16. Ass. 1700 ^d, and Act 18. Ass. 1705 ^e; and concerning their diligence in observing the acts against profanity, particularly, Act 7. Ass. 1699 ^f; and enquire after mortifications for pious uses, as is enjoined by Act 22. Ass. 1700 ^g. 7. If synods call their presbyteries to an account, as to the pains they take to get a school settled in every parish, and provided with a sufficient master and maintenance, according to law, and take care that the school be visited, conform to Act 5. Ass. 1705 ^h, and Act 5. Ass. 1707 ⁱ; and if presbyteries contribute for bursars having Irish, according to Act 13. Ass. 1706 ^k; and if the synod's advice be taken anent licensing probationers according to Act 10. Ass. 1711 ^l. 8. If synods enquire at presbyteries concerning the increase and decrease of Popery, and other errors, and the pains taken to reclaim erroneous persons; see Act 8. Ass. 1707 ^m. 9. If synods take care to have the acts of assembly, particularly, Act 5. Ass. 1712 ⁿ, concerning a contribution for promoting Christian knowledge, observed; and if the account of their diligence in these matters be recorded conform to Act 11. Ass. 1710 ^o. 10. If presbytery-books be punctually produced, revised, and attested, and if presbyteries undergo their privy censures every synod, and if there be a roll made up of matters recommended by the general assembly to synods, and if the said roll be recorded, and

^a Preaching, 2.	^b Lord's Supper, 5.	^c Visitations Presbyterial, 3.	^d Acts of Assembly, 7.	^e Ibid. 8.	^f Profaneness, 4.
^k Schoolmasters, 3.	^l Probationers, 21.	^m Papists, 14.	ⁿ Christian Knowledge, 4.	^o Ibid. 3.	^h Schools, 5.
					ⁱ Ibid. 6.
					^g Visitations Presbyterial, 2.

a copy thereof given to the visitors, according to Act 11. Ass. 1712^a. 11. That the visitors of synod-books communicate all their remarks on these books to some of the synod, and hear them thereupon before they bring the same into the assembly.

—Act 4. Ass. 1713.

VII. Further ordered, That the visitors of synod-books take notice, 1. If the acts of assembly, concerning licensing probationers, be observed; particularly, That none be entered on trials till they have studied divinity the usual time, and produce ample testimonials, and the advice of the synod be taken, and the questions appointed by act of the general assembly read to them before trials; and that none be entered thereon, until they have resided half a year immediately before, within their bounds; and that the whole particulars in Act 5. Ass. 1705^b, Act 10. Ass. 1711^c, and Act 6. Ass. 1714^d, be punctually observed; and that all give satisfying answers to questions, and sign the *formula* contained in the said Act 10. Ass. 1711^c, and no other, according to Act 10. Ass. 1717^f, and that licenses bear the same. 2. If due care be taken for preserving purity of doctrine, according to Act 9. Ass. 1717^g, Act 5. Ass. 1720^h, Act 8. Ass. 1720ⁱ, and Act 7. Ass. 1722^k. 3. If Act 7. Ass. 1714^l, for discouraging unworthy bursars, be observed; Act 7. Ass. 1715^m, for preferring students having Irish, to bursaries. 4. That they take notice of the diligence of synods and presbyteries in observing Act 11. Ass. 1714ⁿ, Act 13. Ass. 1715^o, Act 8. Ass. 1717^p, Act. 4. Ass. 1719^q, and Act 7. Ass. 1720^r, for procuring the better execution of former acts against Popery, and for preventing the growth thereof, by taking up yearly lists of their names and designations, and giving copies of the same to the justices of the peace, or other judges competent, and to the synod; and if

^a Supra, 5. ^b Schools, 5. ^c Probationers, 21. ^d Ibid. 23. ^e Formula, 1. ^f Ib. 2. ^g Doctrine, 5. ^h Books Erroneous, 7. ⁱ Preaching, 3. ^k Books Erroneous, 8. ^l Bursars, 15. ^m Ibid. 16. ⁿ Papists, 16. ^o Profaneness, 8. ^p Papists, 17. ^q Ibid. 18. ^r Ibid. 19.

diligence herein be recorded. 5. If all ruling elders have signed the *formula* contained in Act 10. Ass. 1694^a; and if presbyteries at their privy censures enquire into the behaviour of their members; and if all ruling elders and deacons in their bounds keep family worship, and observe the other particulars in Act 9. Ass. 1722^b, and if deacons be ordained in every parish, as is appointed by Act 7. Ass. 1719^c. 6. That they remark the diligence of synods and presbyteries, with relation to reading the King's proclamations, and abbreviate of the acts of parliament and general assembly against immorality, and giving suitable exhortations, according to Act 5. Ass. 1714^d. 7. If fasts and thanksgivings be observed, according to Act 7. Ass. 1710^e, Act 4. Ass. 1722^f. 8. How Act 4. Ass. 1819^g, concerning the settlement and provision of schools, and the encouragement of ministers in parishes where there are Papists. 9. How Act 4. Ass. 1718^h, concerning a fund for maintaining the indigent widows and orphans of ministers. is observed.—*Act 5. Ass. 1723.*

VIII. Recommended to synods to be punctual in sending up their books; enjoined, That synod-clerks attend to this recommendation as they shall be answerable for their conduct to the assembly; and ordained, That this recommendation and injunction be inserted amongst the printed acts of the assembly.—*Act 7. Ass. 1792.*

SYNODS MEETING.

I. The provincial synod of Angus, is ordained to keep their first meeting upon the third Tuesday of April, conform to the act of assembly at Glasgow 1638.—*Act Sess. 13. Aug. 6, Ass. 1642.*

II. Appointed, That the ordinary fixed places of meeting of the synod of Perth and Stirling, be in all time coming at

^a Instructions, 2.

^b Profaneness, 9.

^c Office-bearers, 3.

^d Profaneness, 7.

^e Fasts, 15.

^f Ibid. 14.

^g Papists, 18.

^h Widows, 1.

Perth in October, and Stirling in April yearly, *per vices*.—*Act 8. Ass. 1643.*

III. Declared and ordained, That the whole ministers and elders of the Presbytery of Zetland (Shetland) shall not be tied, after the date of the act, to come to the meetings of the provincial of Caithness; but that the half only of the number of the ministers of that isle, with their ruling elders, shall be obliged to keep the meetings of the said provincial assembly in time coming; in respect of the great distance of that isle from the land, and the uncertainty and dangerousness of the passage from and to the same.—*Act Sess. 2. Aug. 16. Ass. 1647.*

IV. Appointed, on account of the change in the kalendar, That the synods which usually met on the first Tuesday of April, or October, shall meet on the second Tuesday of these months according to the new style; and so of the rest advancing a week in the denomination of the days, whatever month or week any of the synods have been in use to meet in.—*Act 8. Ass. 1752.*

V. The act appointing the synod of Ross to meet twice in the year, viz. in the months of April and September, is repealed; and 'tis appointed, That in time coming that synod meet once in the year, and that on the second Tuesday of May yearly.—*Act 4. Ass. 1759.*

VI. Appointed, That in summer the synod of Lothian and Tweeddale shall in time coming meet on the first Tuesday of May.—*Act 5. Ass. 1759.*

VII. Appointed, That the synod of Ross, have their meetings henceforth upon the third Tuesday of April.—*Act 9. Ass. 1761.*

VIII. The place for the meeting of the synod of Galloway is changed from Wigton to Newton Stewart; to be held there in all time coming, allowing the synod to adjourn occasionally to Kirkcudbright, Wigton, Stranraer, or elsewhere.—*Act 11. Ass. 1776.*

IX. Ordered, That the day for the meeting of the synod of

Fife, be changed from the first to the second Tuesday of October yearly.—*Act 8. Ass. 1777.*

X. Appointed, That the synod of Gleneld hold their first ordinary meeting at Broadford, on the third Wednesday of July; and their next ordinary meeting at Lochcarron, and to continue in future alternately at these places, upon the third Wednesday of July.—*Act 7. Ass. 1811.*

T.

THANKSGIVINGS*.

I. A solemn thanksgiving is appointed for the nation's deliverance from the Pretender by *Act 7. Ass. 1708.*

II. All ministers and members of this church are appointed, religiously to observe all fasts and thanksgivings, whether appointed by the church, or the supreme magistrate, for just and necessary causes: And presbyteries and synods are appointed, to take particular notice of the due observance of this *Act 7. Ass. 1710.*

III. A solemn thanksgiving is appointed for the deliverance of the nation from the distress occasioned by the rebellion by *Act 14. Ass. 1746.*

IV. Recommended to all ministers, to take such methods as shall appear to them most effectual to fix the attention of all ranks upon the lessons of contrition, of thankfulness and liberality, which then the dispensations of providence, and the seasonable supply of provisions especially taught: This recommendation is appointed to be transmitted to presbyteries as soon as possible.—*Act 7. Ass. 1788.*

V. A national thanksgiving is appointed in commemoration of the Revolution in 1688.—*Act 10. 1788.*

* See Vagrant Ministers, 1. Fasts.

 TRANSPORTATION *.

I. 'Tis appointed, 1. That no transportation be granted without citation of parties having interest, viz. the minister who is sought, and his parish, to hear what they can oppose; and the matter is to come first to both the presbyteries, viz. that wherein the minister dwells, whose transportation is sought, and the other presbytery to which he is sought; if the kirks lie in several presbyteries, and if the presbyteries agree not, the matter is to be brought to the synod or general assembly, which of them shall first occur after the said transportation is sought; and if the synod occurring first agree not, or if there be an appeal made from it, then the matter is to come to the general assembly. 2. That a minister may be transplanted from a particular congregation where he can only do good to a part, to such a place where he may benefit the whole Kirk of Scotland, because in reason the whole is to be preferred to a part, such as Edinburgh. *1mo.* Because all the great courts of justice sit there, as council, session, justice-general, exchequer, and it concerns the whole kirk, that these fountains of justice be kept clean, both in point of faith and manners. *2do.* Because there is a great confluence to Edinburgh from time to time, of many of the chief members of the whole kingdom, and it concerns the whole kirk to have these well seasoned, who apparently are to be the instruments of keeping this kirk and kingdom in good temper.— That this may the more easily be done, 'tis recommended to Edinburgh, That some young men of excellent spirits be, upon the charges of the town, trained up at home or abroad, toward the ministry from time to time: And 'tis declared, That the assembly mean not that all the places of the ministers of Edinburgh be filled with ministers to be transported by authority of this act, but only till they be provided with

 * See Stipends, 1.

one minister, transplanted by the authority of the assembly for every kirk in Edinburgh, and that the rest of the places be filled up, either according to the general rules of transportation for the whole kingdom, or by agreement with the actual ministers and their parishes, with consent of the presbytery or synod to which they belong. 3. 'Tis found, That it is a transporting of ministers for public good, that colleges having the profession of divinity be well provided with professors; wherein the college of divinity in St Andrews is first to be served, without taking any ministers or professors out of Edinburgh, Glasgow, or Aberdeen, and then the rest of the colleges are to be provided for, as their necessity shall require; yet, in respect of the present scarcity, it were good for the universities, to send abroad for able and approved men to be professors of divinity, that our ministers may be kept in their pastoral charges, as much as may be; towns also, wherein colleges are, are very considerable in the matter of transportation. 4. All congregations where noblemen have their chief residence, are to be regarded, whether planted or unplanted, and a care is to be had, that none be admitted minister where Popish noblemen reside, but such as are able men, especially for controversy, by sight of the presbytery: And moreover, it is necessary, That such ministers as dwell where Popish noblemen are, and are not able for controversy, be transported. 5. They who desire the transportation of a minister, should be obliged to give reasons for their desire; neither shall any presbytery or assembly pass a sentence for transportation of any minister, till they give reasons for the expediency of the same, both to him and his congregation, and to the presbytery whereof he is a member; if they acquiesce in the reasons given, it is so much the better; if they do not acquiesce, yet the presbytery or assembly, by giving such reasons before the passing of the sentence, shall make it manifest, that what they do is not *pro arbitratu vel império* only, but upon grounds of reason. 6. Because there is such scarcity of ministers having the Irish tongue, necessity

requires, That when found in the Lowlands, they be transported to the Highlands, providing their condition be not made worse, but rather better by their transportation. 7. In point of voluntary transportation, that no minister transact or agree with any parish to be transported thereto, without a full hearing of him, and his parish, before the presbytery to which he belongs in his present charge, or superior church-judicatories, if need shall be. 8. The planting of vacant kirks is not to be tied to any, either minister or expectants, within a presbytery, but a free election is to be, according to the order of the kirk, and laws of the kingdom. 9. That the chief burghs of the kingdom be desired to train up young men of excellent spirits for the ministry, according to their power, as was recommended to Edinburgh; which course will in time, God willing, prevent many transportations.—
Act Sess. 11. Aug. 5. Ass. 1642.

II. 'Tis recommended to all parishes, who are or may be vacant, That before they design the calling of any minister already fixed in another congregation, they first seriously essay and follow other means of providing themselves, if they can be found; and it is recommended to all presbyteries, That they do not concur in any such call, or design of transporting a minister from one congregation to another, unless by due comparing of places, and all parties concerned, the disproportion betwixt them, and the greater good of the church be manifestly evident. And sicklike, when any such design of transportation is pursued, the assembly ordains, That all parties concerned therein shall debate with such meekness and brotherly kindness as becometh parts and members of the same body of Christ, designing the good of the whole; and that they represent their reasons and answers with due perspicuity, and all possible brevity; and that they do not needlessly expatiate on things that concern not the true merits of the cause; and the assembly prohibits all lengthening of debates by replies and duplies, unless the judicatory before whom the debate lies, find it necessary for clearing some matter of fact,

or because of some new matter that hath occurred, which could not be considered before. And to prevent unnecessary and contentious appeals in such matters, 'tis declared and ordained, That if both the competing parishes be within the bounds of the same presbytery, in that case, the decision and sentence of the presbytery shall take effect, and be obeyed; or if the parishes be in different presbyteries, but both presbyteries be within the same synod, in that case the decision and sentence of the synod shall also take effect, and be obeyed; yet always allowing liberty to any person or parish, who think themselves grieved, to appeal to superior judicatories, to have redress by taking off the sentence, and censuring the respective judicatory complained of, if they be found to have malversed; but with this certification, that if any be found unnecessarily to pursue appeals and complaints, they shall be severely censured therefore.—*Act 6. Ass. 1694.*

III. To prevent the rabbling of messengers by the people, and horrid profanation of the Lord's day, which frequently falls out in cases of transportation when the defending parties or parish are to be summoned, 'tis appointed and ordained, That the minister himself being summoned *apud acta* at the presbytery, or, if absent by the presbytery's letter, to be present at the day appointed for hearing the cause; he also be ordered to intimate out of the pulpit to the heritors, elders, and others concerned in the parish, that there is such a call, and such a transportation designed; and if any of them have a mind to defend their right to their minister, they are to be present at the presbytery on such a day, and ready to make their defences; for which cause, the assembly ordains the call, with the reasons thereof, to be given or transmitted to the minister, to be by him communicated to them, and appoints this method of citation in cases of transportations, to be observed, only where the presbyteries concerned shall see cause to take that course; in which case the citation so given is declared to be a valid citation; but that it shall be optional to the presby-

tery to follow this course, or do it by officials as formerly.—
Act 7. Ass. 1704.

U.

UNCLEANNES *.

In delations about the sin of uncleanness, often not the act, but only presumptions of guilt and scandalous behaviour can be proven; therefore kirk-sessions should be very cautious how they admit the public entering of a process without good warrant, where there is not a child in the case, unless a scandal be very flagrant. *Form Proc. cap. 4. § 1.* Many of these actions which occasion a scandal of uncleanness, are not, in themselves, publicly censurable, but are to be passed with a private rebuke or admonition.—*Ibid. § 2. Act 11. Ass. 1707.*

II. Some, however, of these actions which come under the name of scandalous behaviour, may be so lascivious and obscene, and clothed with such circumstances, as may be as offensive as the act of uncleanness itself, and as censurable.—*Ib. § 3.* If a married woman, whose husband has been absent beyond the ordinary time that women use to go with child, be found with child, this may give ground to a kirk-session for a process against her; but in this case, judicatories would be prudent in considering all circumstances, and whether the person has been always of entire fame before, and how the public fame now runs.—*Ib. § 4.*

III. If a person voluntarily confess uncleanness, and if there be no child, and the case be brought to the kirk-session, the session is to enquire, what presumptions there are of the truth of the thing confessed, or what may have moved the person to make that confession; whether it flows from disquietness of mind, or sinister design; and the persons concerned are to

* See Father.

be dealt with according as the presumptions, upon search, are found, or not.—*Ib. cap. 4. § 12.* If it be found there is no ground for the confession, and that it is false, the person confessing is to be censured, as defaming himself, and likewise as a slanderer of the other party, and withal application is to be made to the civil magistrate, that he may be punished according to law.—*Ib. § 13. Act 11. Ass. 1707.*

IV. The presbytery of Kirkaldy is ordered to proceed against Mr Colin Mackenzie of Rosend, for the sin of uncleanness, according to the rules of the church, notwithstanding of any thing that some prelatical preachers had done, or might do in the affair; and the said prelatical preachers are discharged to proceed any further in that matter, as they will be answerable: And remitted to the commission to take care, that the assembly's authority be not contemned in this case: And this method is appointed to be observed in cases of scandal, when any others, either episcopal preachers, or such as pretend to be presbyterians, but separate from this church, take upon them to exercise discipline.—*Act 14. Ass. 1715.*

UNITY IN RELIGION*.

I. That no novations, which may disturb the peace of the church, and make division, be suddenly proponed and enacted; but so as the motion be first communicated to the several synods, presbyteries, and kirks, that the matter may be approved by all at home, and commissioners may come well prepared unanimously to conclude a solid deliberation upon these points in the general assembly.—*Act Sess. 23. Aug. 30. Ass. 1630.*

II. That according to the aforesaid act of assembly at Edinburgh, and that at Aberdeen 1640^a no novation in doctrine, worship, or government, be brought in or practised in this

* See Catechising, 1. 3. Supplication, 4. Declaration, 2. 5. 9. Public Worship, 1. 2. 5. Commissions of Assemblies, 2. 10. 11. 12. Ministers, 12. § 5.

^a Ordinary Assembly House, 1, § 4.

kirk, unless it first be propounded, examined, and allowed in the general assembly, and that the transgressors in this kind be censured by presbyteries and synods.—*Act Sess. 14. Aug. 6. Ass. 1641.*

III. The moderator and commissioners of the assembly are enjoined, with all earnestness and respect, to supplicate the lords of council and conservators of the peace, that they may concur with the kirk, in desiring his Majesty and the parliament of England, and the commissioners of Scotland at London for the time, by all possible means, civil and ecclesiastical, to advance the blessed work of unity in religion, and uniformity of kirk-government betwixt the kingdoms; and to endeavour a happy settlement betwixt his Majesty and his parliament, and that the common peace betwixt the kingdoms may be continued and strengthened.—*Act Sess. 11. Aug. 5. Ass. 1642.*

IV. The acts of former assemblies made anent innovations in doctrine, worship, or government, are revived, especially *Acts Aug. 30. Ass. 1639. and Aug. 6. Ass. 1641*^a. *Act 11. Ass. 1695.*

V. The assembly discharges the practice of innovation in divine worship within the church, and requires and obtests all the ministers of this church, especially those in whose bounds such innovations are, or may be, to represent to their people the evil thereof, and seriously to exhort them to beware of them; and to deal with all such as practise the same, in order to their recovery and reformation; and enjoins the commission to use all proper means, by applying to the government, or otherwise, for suppressing and removing all such innovations, and preventing the evils and damages that may ensue thereupon to the church.—*Act 15. Ass. 1707.*

VI. All ministers and people are charged to abstain from all divisive courses, upon occasion of different sentiments and practices about the oath of abjuration; and that they would

^a *Supra*, 1, 2.

notwithstanding thereof, live in love and Christian communion together, and strengthen one another's hands in their work, and use all prudent and gaining methods to keep the people in due subjection and love to their own pastors.—*Act 6. Ass. 1713.*

VII. The exhortations contained in the foresaid Act 6. Ass. 1713, are renewed; and all ministers and people are seriously obtested to lay to heart the important duties therein recommended, and that there be no distinguishing course taken, contrary thereto, on the occasion of celebrating the holy sacrament of the Lord's supper, which ought to be the bond of love and unity among Christians. And a committee is appointed to consider any representations that might be offered to them concerning brethren that may follow divisive courses, and to deal with them in order to remove their scruples, and to reclaim them to their duty, and to report their diligence to the commission; who are empowered, from time to time, to give the committee instructions and directions in their procedure, and to cognosce and determine in this affair.—*Act 8. Ass 1714.*

VIII. All are exhorted to avoid irregular and disorderly practices; and all the ministers of this church are obtested, carefully to guard against the distinguishing course taken by some in the choice of their assistants, at the celebration of the sacrament of the Lord's supper.—*Act 6. Ass. 1715.*

IX. 'Tis recommended to ministers and others, That they do what they can to prevent and suppress the growth of Deism, Infidelity, Popery, and other gross errors; and in order thereto, 'tis recommended to all ministers to maintain, as far as in them lies, brotherly love, peace, and unity amongst themselves, and amongst the people under their charge; and in all their more public appearances to avoid uncharitable reflections, and all just grounds of irritation tending to engender strife more than to promote edification.—*Act 7. Ass. 1735.*

UNIVERSITIES*.

I. 'Tis recommended to the parliament, 1. That, out of the rents of the prelacies, collegiate or chapter-kirks, or sicklike, a sufficient maintenance be provided for a competent number of professors, teachers, or bursars in all faculties, and especially in divinity; and for upholding, repairing, and enlarging the fabric of the colleges, furnishing of libraries, and sicklike good uses, in every university and college. 2. That there be a meeting, once every year, at such times and places as shall be agreed upon; of commissioners from every university and college, to consult and determine upon their common affairs, and whatsoever may concern them; and who may represent what is needful therein to the parliament and general assembly. 3. That special care be had, that the places of the professors, especially professors of divinity in every university and college, be filled with the ablest men, and best affected to the reformation and order of this kirk.—*Sess. 9. Aug. 3. Ass. 1641.*

II. 'Tis recommended to all the universities, to condescend upon the best overtures for the most profitable teaching of grammar and philosophy, and report to the assembly.—*Sess. ult. June 18. Ass. 1646. Art. 3.*

III. 'Tis recommended to all universities, 1. To be careful to take account of all the scholars on the Sabbath-day, of the sermons, and of their lessons of the catechism. 2. To send their commissioners, instructed with answers to the overtures agreed upon by the commissioners of universities, and that against their commissioners come, in February or March, to the commission of the kirk.—*Sess. 28. Aug. ult. Ass. 1647.*

IV. 'Tis recommended to the commissioners, directed from the several universities, to subsequent assemblies, to meet together, and prepare overtures to the assembly, for the establishment, and advancement of piety and learning, and good

* See Visitation of Kirks.

order in the schools and universities, and to keep a correspondence amongst themselves for these good ends.—*Act 6. Ass. 1707.*

V. 'Tis recommended to the several presbyteries, in whose bounds colleges or universities are, to take particular care, That all the masters thereof do acknowledge, profess, and subscribe, in manner appointed by act of parliament 1707, 6. entitled, “ Act for securing the Protestant Religion and Presbyterian Church-government:” And to take special notice of what is taught in colleges and universities; and that nothing be taught therein contrary to, or inconsistent with the confession of faith of this church, or to the worship, discipline, or government of the same; and to observe the morals and conversation both of masters and scholars; and that they apply first to the faculties of the universities or colleges for redress; and in case any difficulties occur to the presbyteries which they cannot overcome, they are appointed to lay the same before the synod, general assembly, or commission thereof; who are to consider the representations, and give their advice and assistance in these things.—*Act 14. Ass. 1711.*

VI. The commission is instructed, carefully to advert to any thing whereby they may contribute to the flourishing of the sciences and good literature, and to the propagating of religion and loyalty in universities; and particularly, that they diligently enquire, what privileges and interest the judicatories of this church, or the ministers thereof, have by the constitutions of the several universities and colleges, and by the laws of the land, with respect to the settlement of the masters and professors in them; which the assembly appoints the commission, by all just methods, to maintain inviolably, and improve towards the promoting of the foresaid interests of true piety and learning; and for this end, to receive and give all due encouragement, to whatever applications may be made to them to this effect.—*Act 12 Ass. 1719.*

 V.

VACANT CHURCHES.

I. Recommended to his Majesty's High Commissioner, That he would, in the assembly's name, apply to their Majesties for a general recommendation to the Lords of Privy Council, Lords of Treasury and Exchequer, Lords of Session, and other judges whatsoever, in favours of such as shall, by order of the assembly, serve vacant congregations in the north, that they may have access for maintenance out of the vacant stipends, during the time they serve.—*Act 15. Ass. 1694.*

II. All ministers appointed by the general assemblies or their authority, to labour for some time in these corners of the church where vacancies are most numerous, are obtested and beseeched to be diligent and faithful in their performance of what is appointed them; and in case any ministers shall not exactly and timeously perform their respective appointments, particularly in going to the north; they are ordered to be suspended from the exercise of their ministry, for the space of three months, by their respective presbyteries, as soon as they begin to neglect this duty; and the moderators of the several presbyteries are required to move and propose to the presbyteries to proceed to inflict the censures above appointed without delay; and in case any moderator shall neglect and delay the performance of his duty hereby required, that he be suspended from the exercise of his ministry by the next ensuing synod of the bounds, for the space of three months; and in case that inevitable impediments fall providentially in the way of the minister thus appointed for supplies, that cannot but free the minister of any neglect, that the presbytery he belongs, Do record the same in their regis-

ters, and produce them to their synod at their next meeting, to be by them judged; but withal, the presbytery, in that case, shall be obliged to send another, under the same certification; but so soon as he applies to the presbytery, and offers obedience, the presbytery shall be obliged to take off the act of suspension; and the assembly appoints their churches to be supplied daily, at least two Sabbaths of three, during their absence. And the ministers appointed to make these supplies, in case of their neglect, are to be presbyterially rebuked, and that inserted in the records of the presbytery. And that synods particularly enquire anent, and see to the execution of this act, and report to the next ensuing general assembly.—*Act 8. Ass. 1697.*

III. Every minister is prohibited from taking upon him to preach in vacant congregations, not within the bounds of his own presbytery, without an invitation, either from the presbytery of the bounds, or at least from some neighbouring minister in that presbytery.—*Act 15. Ass. 1711.*

IV. 'Tis recommended to all judicatories of the church, in planting vacant churches, to have a due regard to the principle contained in Act 6. Ass. 1575, 2 Book of Discipline, chap. 3. § 4. 6. 8. Act Dec. 17. 18. Ass. 1638^a, and Act 9. Ass. 1715^b, that no minister be intruded into a parish contrary to the will of the congregation; and to all presbyteries, that they be at pains to bring about harmony and unanimity in congregations, and to avoid every thing that may excite or encourage unreasonable exceptions in people against a worthy person that may be proposed to be their minister, in the present situation and circumstances of the church, so as none be intruded into such parishes, as they regard the glory of God, and edification of the body of Christ.—*Act 14. Ass. 1736.*

V. 'Tis appointed, in order to prevent unnecessary protracting of vacancies in parishes, that it shall be among the

^a Parishes 5.

^b Evils of the Kirk, 5.

questions asked by synods at the several presbyteries, at their privy censures, what vacancies there are in their bounds? of how long continuance these have been? and the reasons why they are not supplied? And if the synod find the presbytery dilatory after the right of planting any parish has, by law, fallen into their hands, the synod shall enjoin them to proceed towards the settlement of that parish, without further delay.—*Act 7. Ass. 1759.*

VACANT STIPENDS.

'Tis recommended to his Majesty's High Commissioner, that he would, in the assembly's name, apply to their Majesties for a general recommendation to the Lords of Privy Council, Lords of Treasury and Exchequer, Lords of Session, and other judges whatsoever, in favours of such as shall, by order of the assembly, serve vacant congregations in the north, that they may have access for maintenance out of the vacant stipends, during the time they serve.—*Act 15. Ass. 1694.*

VAGRANT MINISTERS.

I. Recommended to presbyteries, to take notice of all ministers within their bounds, whether the late conforming incumbents, or others, who shall not observe fasts and thanksgivings indicted by the church, or who shall be found guilty of any irregular carriage in administering the sacraments in private, or celebrating clandestine marriages, without due proclamation of banns; and to censure accordingly.—*Act 6. Ass. 1690.*

II. Recommended seriously to all synods and presbyteries, That they advert to the many irregularities committed by vagrant unfixed ministers, many of whom are lying under ecclesiastical censures, to the great scandal and hinderance of the gospel, and tending to the rending of churches and congregations; and prudently to proceed to take such course with them, as the circumstances of the case and time require:

And presbyteries, where any great difficulty occurs in cases of this nature, are appointed to consult their synods, or the commission of the assembly thereanent, before they proceed to any further censure—*Act 23. Ass. 1696.*

VISITATION OF KIRKS, COLLEGES, AND SCHOOLS *.

I. The acts of assembly, held at Edinburgh, June, 1565, anent the visitation of kirks, schools, and colleges, ordained to be put in execution; and that the minister of the parish, the principal, regents, and professors within the colleges, and masters and doctors of schools, be tried concerning the soundness of their judgment in matters of religion, their ability for the discharge of their calling, and the honesty of their conversation; as the acts of assembly at Edinburgh, June, 1567, and at Montrose, 1595, import: And that this visitation of colleges be by way of commission from the general assembly. —*Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. § 4.*

II. 'Tis enacted, 1. That every grammar school be visited twice in the year, by visitors to be appointed by the presbytery and kirk-session in landward parishes, and the town council in burghs, with their ministers; and where universities are, by the universities, with consent always of the patrons of schools; that both the fidelity and diligence of masters, and the proficiency of scholars in piety and learning may appear, and deficiency censured accordingly; and that the visitors see, that the masters be not distracted by other employments, which may divert them from their diligent attendance. 2. For remedy of the great decay of poesy, That no schoolmaster be admitted to teach a grammar school in burghs, or in other considerable parishes, but such as, after examination, shall be found skilful in the Latin tongue, not only for prose, but also for verse; and, after other trials to

* See Universities. Schools, 2. § 6. 5. Schoolmasters, 2 3. 4. 5. 6. Covenant, 6.

be made by the ministers, and others deputed by the session, town, and parish for this effect, that he be also approven by the presbytery. 3. That neither the Greek language, nor logic, nor any part of philosophy, be taught in any grammar school, or private place, within this kingdom, to young scholars, who thereafter are to enter to any college, unless it be for a preparation to their entry there; and notwithstanding of any progress any may pretend to have made privately in these studies, yet in the college he shall not enter into any higher class than that wherein the Greek language is taught; and, being entered, shall proceed orderly through the rest of the classes, until he finish the ordinary course of four years, unless, after due trial and examination, he be found equal in learning to the best, or most part of that class to which he desires to ascend, by overleaping a mid class; or to the best or most part of those who are to be graduate, if he supplicate to obtain any degree before the ordinary time: And also that there be found other pregnant reasons to make the faculty of arts condescend thereto, and otherwise that he be not admitted to the degree of master of arts. 4. That none be admitted to enter a student of the Greek tongue in any college, unless, after trial, he be found able to make a congruous theme in Latin; or, at least, being admonished of his error, readily knows how to correct the same. 5. That none be promoted from one inferior class of the ordinary course to a superior, unless he be found worthy, and to have sufficiently profited; otherwise, that he be ordained not to ascend with his condisciples, and if he be a bursar, that he lose his burse; and namely, it is to be required, that those who are taught in Aristotle, be found well instructed in his text, and be able to repeat in Greek, and understand his whole definitions, divisions, and principal precepts, so far as they have proceeded. 6. That such trial be taken of students, especially of magistrates, that those who are found unworthy, be not admitted to the degree and honour of masters. 7. That none who have entered to one college be admitted to another, without

the testimonials of the masters of that college wherein he entered first, both concerning his literature and dutiful behaviour so long as he remained there; at least, until the masters of that college from whence he cometh be timely advertised, that they may declare if they have any thing lawfully to be objected to the contrary; and that none be admitted, promoted, or received to a degree in any college, who was rejected in another college for his unfitness and unworthiness, or any other cause repugnant to good order; or who leaves the college where he was for eschewing censure or chastisement for any fault committed by him; or who leaves the college because he was chastised, or for any other grudge or unjust quarrel against his master. 8. That none of those who may be lawfully received into one college after he was in another, be admitted into any other class, but that wherein he was, or should have been, in the college from whence he came, except upon reasons mentioned in the 3d article preceding. 9. That at the time of every general assembly, the commissioners directed thereto from all the universities of this kingdom, meet and consult together, for the establishment and advancement of piety, learning, and good order in the schools and universities; and be careful, that a correspondence be kept among the universities, and so far as possible, an uniformity in doctrine and good order.—*Act Sess. 14. Feb. 7. Ass. 1645.*

III. 'Tis recommended to synods, to take account of the observation of the above overtures, Sess. 14. Feb. 7. Ass. 1645, for visitation of schools, and advancement of learning.—*Act Sess. 28. Aug. ult. Ass. 1647.*

VISITATIONS MINISTERIAL OF FAMILIES*.

The following articles are unanimously recommended to the ministers of this church, not as binding rules, but as an help to them in their visiting of families, viz. that ministers visit all the families in their parish, at least once a-year, if the

* See Profaneness, 4. 5.

same be large; and oftener, if the parish be small; and in the management of that work, 'tis advised, 1. That ere a minister set out to this work, he labour to have his own heart in a suitable frame for it. 2. That he chuse such a time in the year as his people may be best at leisure to meet with him; and that due intimation be made of the minister's design to visit, that the people may order their affairs so, that he may find them at home. 3. That he be accompanied with the elder of the bounds; with whom he may confer, before they go forth to the work about the state and condition of the persons and families of these bounds, that the minister may be able to speak the more suitably to their condition, and as may be most for edification. 4. When they enter a house, after a short account of the design of the visit, they are to take an account of the names of the family, parents, children, and servants; and enquire for certificates from those who are lately come to the parish, and to mark them in their roll for catechising; and to take notice who can read, and of the age of children, when capable for catechising. 5. Then the minister may speak to them all in general, of the necessity of regeneration, and the advantage of serious religion and godliness; of piety towards God, and justice and charity towards men. 6. And next, more particularly, to the servants, of their duty to fear and serve God; and to be dutiful, faithful, and obedient servants, and of the promises made to such; recommending to them the reading of the Scriptures as they can, and prayer in secret, and love and concord among themselves; and in particular, a holy care of sanctifying the Lord's day. 7. The minister is to apply his discourse to the children, as they are capable, with affectionate seriousness; shewing them the advantages of knowing, loving, seeking, and serving God, and remembering their Creator and Redeemer in the days of their youth, and honouring their parents; and to remember how they were dedicated to God in baptism; and when of age, and fit, and after due instruction of the nature of the covenant of grace, and seals thereof, to excite them to engage

themselves personally to the Lord, and to desire and pray for, and take the first opportunity they can, of partaking of the Lord's supper; to be specially careful how they communicate at first, much depending thereon; and such of the servants as are young are to be exhorted hereto in like manner, exciting them also to daily reading of the Scriptures, and to secret prayer, and sanctifying the Lord's day. 8. After this he should speak privately to the master and mistress of the family about their personal duty towards God, and the care of their own soul's salvation, and their obligations to promote religion and the worship of God in their families, and to restrain and punish vice, and encourage piety, and to be careful that they and their house serve the Lord, and sanctify the Lord's day. After this it may be fit, to exhort masters to take care that God be worshipped daily in their family, by prayer and praise, and reading of the Scriptures.—They should enquire of him concerning the conversation and behaviour of the servants, and their duty towards God and man, and how they attend the worship of God in the family, and the public worship on the Lord's day, and how they behave after sermon, if any of them be piously inclined, if they make conscience of secret prayer and reading of the Scriptures.—If there be catechising and instructing of the ignorant and weak, if due care be taken in educating the children, and particularly, if they be put timeously to school, and how they profit thereat, and how the Lord's day is spent after sermon in the family, and in secret; all which the minister may mix with suitable directions, encouragements, admonitions, as he shall see cause, and most for edification. 9. He may enquire who have bibles, and encourage them who are able to get bibles, of their own, to make diligent and religious use thereof, and to recommend to parents and masters of families to have the confession of faith, catechisms, and other good books for instruction in faith and manners. 10. If any be tainted with errors, or given to vice, they should be particularly dealt with and spoken to, either privately, or before others, as may

be most for edification, and all in the family are to be exhorted to watch and edify one another, and to carry towards any that walk disorderly, according to the rule, Matt. xviii. 15. 11. If there be any difference or division either in the family; or with the neighbours, the minister should endeavour to remove the same, and to make peace, and to excite to follow it with all men, as far as possible. 12. It may be also enquired of those who have received tokens to communicate the last season for it, whether they have made use of them or not, and those who have communicated may be enquired privately, how they have profited thereby, and excited to remember to pay their vows to the Lord. 13. If there be any in the parish who keep not church communion with us, whatever their motives be, ministers ought to deal with God for them, and with themselves in such a way as may be most proper to gain them; and exoner their own consciences before God and his people, waiting if God peradventure will prevail with them; who can tell but our making them sensible of our tender love and affection to their persons, especially to their souls, giving them all due respect, and doing them all the good we can, yet still discountenancing their sin, may, in the end, be blessed of God for their good, Jude xxii. 23. 2 Tim. ii. 23. 25. All this should be carried on with dependence on God, and fervent prayer to him, both before a minister set forth to such a work, and with the visited, as there shall be access to, and opportunity for it.—*Act 10. Ass. 1708.*

VISITATIONS PRESBYTERIAL OF PARISHES*.

I. That visitation of particular kirks within presbyteries be made once every year, and that thereat care be had, amongst other things, to try how domestic exercises of religion are exercised in particular families, and what means there are in

* See Ministers, and Remedies of their Corruptions, § 3. Worship Public. Worship Secret, 1.

every parish in landward for catechising and iustrating the youth.—*Act Sess. 23. 24. Dec. 17. 18. Ass. 1638. Art 3.*

II. 'Tis recommended to all presbyteries, to be diligent and careful in visiting the parishes within their bounds, and to take particular notice how all sums of money mortified, or otherwise belonging to the poor of the parish, have been managed and applied from time to time, and if they shall find any dilapidations of any such sums, that those guilty thereof be pursued according to law, and that the several synods take account of the presbyteries within their bounds, of their diligence therein.—*Act 22. Ass. 1700.*

III. 'Tis seriously recommended to, and enjoined on presbyteries, to be more frequent and conscientious in visiting parishes, conform to acts of former general assemblies thereanent, and the commission is appointed to draw up and prepare a directory for ministerial visitation of families, and present the same to the next general assembly.—*Act 16. Ass. 1706.*

IV. 'Tis recommended and enjoined, That presbyteries hold visitations of parishes where public schools are wanting, and take all proper and legal steps for settling such schools therein, with competent salaries, and the building of school-houses, as the law directs.—*Act 6. Ass. 1749.*

W.

WARNING*.

I. A solemn and seasonable warning from the general assembly 1645, to the noblemen, barons, gentlemen, burghs, ministers, and commons of Scotland ; as also the armies within and without the kingdom, holding forth how the nation ought to be affected with the present mercies and judgments,

* See Declaration, 4. 8. 9. Supplications, 7.

what use is to be made of the Lord's dealings, and what is required of a people so dealt with, and shewing the cause of the present calamities to be the sins of the land, particularly, 1. Contempt, neglect, and disesteem of the glorious gospel, unbelief, unfruitfulness, lukewarmness, formality, hardness of heart, not receiving nor seeking to know and glorify Christ in all his offices, hating, mocking at, and neglecting the power of godliness, not observing the Sabbath, neglect of Christian conferences, family exercises, and ministers strengthening the hands and heart of the profane, and not taking heed to their ministry. 2. The breach of covenant, in the many ways mentioned in the warning. 3. Not glorifying God for former mercies, nor making a proper use of them. 4. Sending forth the armies presumptuously without repentance, and first making peace with God, and for remedy of these calamities, exhorting to humiliation, repentance, faith, amendment of life, and fervent prayer; and shewing the cause of the then present dangers to be from a Popish, Prelatical, and an avowed malignant faction, from secret malignants and discovenanters, characterised in the said warning; and exhorting people to appear actively, and stretch themselves to, yea, beyond their power for the cause of God; that ministers stir up others by faithful preaching and admonition; that the armies beware of ungodliness, not trusting in their own strength, but in God; that people of all sorts call to mind their solemn covenants, and pay their vows to the Most High, and contribute willingly for prosecuting the war against the enemies of the reformation, and that they assist and defend one another in maintaining and pursuing thereof.—*Sess. 18. Feb. 12. Ass. 1645.*

II. A warning and declaration from the general assembly of this kirk to all the members thereof, concerning the dangers and duties of the times, wherein they acknowledge their merciful deliverances from many trials; they warn the people of the judgments due for breach of covenant; of their dangers from a malignant and scandalous party in the army, and at home, and from standing armies of such in Ireland; from the

sectaries in England; from the King's hearkening to the councils of those, who were the authors of the miseries of his royal father; they exhort to repentance and love of the truth, and encourage them to self-defence in case of invasion from sectaries or malignants, and to adhere to their principles; and after a short narrative of the proceedings, both of church and state, with the King's royal father, all are exhorted to wrestle with God on behalf of the King, that he may be recovered out of the snares of evil council, and be brought to give satisfaction to the public desires of church and state, and in their stations, to use all endeavours with himself and others for that effect, and upon satisfaction given, to be willing to admit him to the exercise of his power, and cheerfully obey him in all things according to the will of God, and the laws of the kingdom; and to do every thing that tends to the preservation of his Majesty's person and just greatness and authority in the defence and preservation of the true religion, and liberties of the kingdom; but to defend the kingdom against invasion. People are exhorted to beware of the subtle devices that may be essayed to draw them off to dispense, at least, with some part of the necessary desires propounded to his Majesty for securing religion; they are exhorted, to endeavour to procure from his Majesty, that he not only swear the coronation oath, but his allowance of the covenant, and obligation to prosecute the ends thereof, and that he enjoin the covenants, establish presbyterial government, the directory for worship, confession of faith, and catechisms, and that he shall observe these in his own practice and family; and the assembly declares the obligation of the covenant perpetual; they exhort the parliament to their duty, and not to be wanting in any necessary testimony of duty and loyalty to the King, and constantly to adhere to their former principles, resolutions, and desires from him, concerning religion and the covenant, that they purge out of all places of trust, civil and military, all malignants and sectarians; the army is exhorted to stick closely by the cause of God against malignants and sectarians, and to carry chris-

tianly. Ministers are exhorted to walk exemplarily, and to take heed to their flocks, and to declare to them the whole counsel of God, to give them timely warning of every danger and duty, especially of the times, is recorded in *Sess. 27. July 27. Ass. 1649.*

III. The proceedings of the commission of assembly 1713, are approved; and they are thanked particularly for their zeal against Popery, and their seasonable impressing the minds of the people with loyalty to her Majesty, firmness to the Protestant succession in the illustrious family of Hanover, and just aversion to the Pretender, all fully expressed in a seasonable warning given and published by the said commission.—*Act 9. Ass. 1714.*

IV. The assembly address a pastoral admonition and warning to all the people under their charge, respecting vagrant teachers and Sunday's schools; which see at large in *Act 11. Ass. 1799.*

WEDDINGS, &c.

I. Presbyteries ordered to take special care to restrain the abuses which take place at penny bridals (weddings), and also to censure the observers of lykewakes: by *Act Feb. 12. Ass. 1645*; and to prevent promiscuous dancing, and to censure such as are guilty of it, by *Act July 19. Ass. 1649.*

II. The foresaid acts are revived; and the said acts are appointed to be read in churches before the congregation, and synods to enquire at presbyteries concerning their diligence, anent the observation of the said acts; and recommended to presbyteries, to have their thoughts upon what further may be necessary for suppressing and preventing abuses at such occasions, and give their opinion thereanent to the then next assembly.—*Act 20. Ass. 1701.*

III. Recommended to presbyteries to apply to the judges ordinary for putting the laws relating to penny-bridals in execution, and the commission is appointed, upon representations from presbyteries of the judge's refusal, to apply to the

government for obliging them to execute their office in this matter.—*Act 4. Ass. 1706.*

IV. Recommended to synods, presbyteries, and kirk-sessions, to see to the execution of the acts of assembly against abuses at penny-weddings, and to apply to the civil magistrate for the execution of the laws against persons guilty of abuses and disorders on these occasions.—*Act 10. Ass. 1719.*

WIDOWS.

I. 'Tis recommended, 1. That every minister in Scotland dedicate the tenth of his stipend for one year, for the relief of the widows and orphans of the ministers of this church, and 'tis appointed to be paid, in money and no otherwise, to the moderator of each presbytery, betwixt and the 15 May 1719; or betwixt and the 15 May, 1721, with the ordinary annual rent thereof, from the said 15 May, 1719, to the time that the same shall be paid in. 2. That every minister thereafter to be ordained or admitted, within the bounds of any synod, within the space of two years after his admission, pay in his said tenth, if he has not already paid it in another synod. 3. The money collected is appointed to be turned into a stock, and only the interest thereof to be distributed. 4. The contributors in every synod are appointed to have the management of what sums shall be collected, and given to the widows and orphans of ministers, who have served and contributed within their bounds. 5. No ministers' widows and children shall have any benefit from this fund, except their husbands or fathers have actually paid their tenth. 6. No ministers' widows shall have any title to the fund, after they shall be married to another husband, or children after marriage, or their being in a situation to do for themselves. 7. No widow or child entitled to a share of this fund, shall be allowed above L. 10. thereof. 8. If any other charitably disposed persons, besides ministers, shall contribute, they shall have a vote and power in the management and distribution of the foresaid funds. 9. The assembly discharges any distribution to be made, but at

the ordinary diets of the synod. 10. 'Tis declared, That such presbyteries, as have already settled a fund for their widows and children, shall be at liberty, either to keep and manage the same themselves, or join with the synod, as they shall think best. Lastly, 'tis declared, That if any event unforeseen shall fall in, that may hinder the execution of the above articles, in the manner proposed, the premises shall be ordered and managed, according to further rules and directions to be given by the subsequent general assemblies of this church.—*Act 4. Ass. 1718.*

II. The time allowed by the above act, for ministers paying in their contributions, is extended to the term of Whitsunday 1725.—*Act 10. Ass. 1728.*

III. The time is further extended to the term of Whitsunday 1736; by *Act 4. Ass. 1735.*

Nota. The above acts superseded by act of parliament 17. Geo. II. amended by act 19. Geo. III. 20. entitled, “An Act for raising and establishing a Fund, for a Provision for the Widows and Children of Ministers of the Church of Scotland, and of the Heads, Principals, and Masters of the Universities.”

IV. That the said act of parliament may be easily and effectually executed, 'tis appointed, That every presbytery shall keep a separate register, wherein they shall record the names and parish churches of all the ministers, then members of their respective presbyteries, or who shall thereafter be admitted to a benefice within their bounds, with a particular account, if such ministers be married, with the dates of their first ordination or admission to a benefice in the church of Scotland, the names of all their present children, the day, month, and year, of the birth of such of them as are under the age of sixteen; the names and dates of the birth of such of their children as shall thereafter be born: and likewise of their deaths, as the same shall happen. And ordained, That every presbytery record the names and parish churches of the several ministers, who shall thereafter be ad-

mitted to a benefice within their bounds, with the particular dates of their respective admissions; and an account if such ministers be married, with the dates of the then marriages, or such of them as shall happen after their admissions; and shall also record the several facts relating to their children in like manner as above appointed, with respect to ministers then members of the church. And enjoined, That presbyteries record the time of the deaths of ministers, as the same shall happen; with the names of their widows, residing at the time of their deaths, or marriage within their bounds; as also the dates of the several vacancies that were vacant on the 25 of March then last, or shall thereafter happen within their bounds, with the causes of the vacancies. And in general, 'tis ordained, That presbyteries record from time to time, all other things that shall be found necessary by the trustees, for the more easy execution of the said act; and that all ministers now entitled to a benefice in the church of Scotland lodge, from time to time, in the hands of the clerk of their presbyteries, a particular condescendence of the facts relating to their respective cases, as the same shall happen; all which facts are ordained to be entered distinctly by presbytery-clerks in the separate register, under proper columns, and regularly signed by moderators and clerks, and by ministers respectively concerned, from which the presbyteries may annually make up the lists necessary for each year, and transmit the same duly attested to the trustees, as directed in the said act of parliament.—*Act 4. Ass. 1744.*

V. The above act renewed, and the observance of it strictly enjoined; and that it may be more regularly and uniformly observed, appointed, That the several presbyteries keep separate registers according to the plan agreed upon by the assembly; and recorded in their register; and each minister is required duly to report to the presbytery, either by himself or by letter, any alteration which shall happen, from time to time, in his family, at the first diet immediately subsequent to such alteration; or as soon as he possibly can. And appointed,

That synods call for separate registers at least once a-year, and carefully inspect the same, and attest, That they are kept according to the plan referred to in this act; which attestation shall be marked in the synod's records. And 'tis enacted, That every presbytery shall meet annually on such a day, betwixt the 11 of November and the 11 of December, as they shall judge most convenient (the presbyteries in the Western and Northern Isles excepted) and shall at such meetings prepare and transmit to the trustees clerk at Edinburgh, their respective lists for the preceding year, to the end that the trustees may be the better enabled with accuracy to carry on the scheme; and 'tis recommended to, and enjoined on presbyteries, so soon as this act shall come to hand, to insert the same, and also the above Act 4. Ass. 1744, in their separate register, and to acquaint such of their members as are absent of the contents of this *Act 4. Ass. 1745.*

VI. The strict observance of former acts respecting what is required from presbyteries relative to the fund for a provision to the widows and children of ministers, is enjoined. And 'tis added to the foregoing Act 4. Ass. 1745, That when synods inspect and attest the separate register, they are required to report their diligence to each general assembly: That the annual lists be transmitted from time to time to the trustees, and sent to the several presbyteries; and in case presbyteries shall fail in making their annual returns at the time, and in the manner foresaid, that the trustees exert those powers the law has put into their hands, for obliging presbyteries, to transmit their lists in a regular and uniform manner: And that each minister transmit to the collector his bond for L. 30, according to the form established by the general assembly, so soon as notice shall be given him by the trustees or their clerk, there is money in the collector's hands for payment of the same, as such ministers shall be answerable to the assembly.—*Act 4. Ass. 1747.*

VII. 'Tis appointed, That for the future, the separate registers be divided into as many parts, as the respective pres-

byteries consist of parishes ; and that the facts respecting the ministers and vacancies of every parish be stated under its own proper head, or division, marked with the name of the parish : And further, That when the abstract of the acts relative to the widows' fund is transmitted, every presbytery and university shall cause it to be bound up with a separate quire of paper, in order that whatever regulations shall be found necessary with respect to the fund, may be copied into the book ; by which means the whole of the rules concerning the fund will be always at hand.—*Act 4. Ass. 1757.*

WITCHCRAFT *.

I. That all ministers within the kingdom carefully take notice of charmers, witches, and all such abusers of the people, and urge the acts of parliament to be executed against them ; and that the commissioners from the assembly to the parliament recommend to the said supreme judicature, the care of the execution of the laws against such persons, in the most behoofful way.—*Act Sess. 2. July 29. Ass. 1640.*

II. The assembly taking to heart the abundance and increase of the sin of witchcraft, in all the sorts and degrees of it, in that time of reformation, and finding the occasions of it to be these, especially, 1. Extremity of grief, malice, passion, and desire of revenge, pinching poverty, solicitation of other witches and charmers ; for, in such cases, the Devil assails them, offers aid, and much prevails. 2. That the reasons and causes of Satan's prevailing are gross ignorance, great infidelity, want of the love of the truth, which God hath made so long and clearly to shine in the land, and profaneness of life. 3. That the means and ways to bring them to a confession and censure are, That a standing commission for a certain time be had from the lords of secret council, or justice-general, to some understanding gentlemen and magistrates, within the bounds of presbyteries that should crave it, giving them

* See Scandals, 11, 12.

power to apprehend, try, and execute justice against such persons, as are guilty of witchcraft within these presbyteries; because many parishes wanted the concurrence of civil magistrates. 4. That the grounds of apprehending them may be, a reigning bruit of witchcraft, backed with delations of confessing witches being confronted with them; also depositions of honest persons, malefices committed, or curses used by them: That being apprehended, honest and discreet persons be appointed to watch them lest they should be suborned or hardened by others, or destroy themselves. 6. That ministers be careful at all times, especially morning and evening, to deal with them by prayer and conference, while they are in prison or restraint. 7. The assembly found that the means to prevent this wickedness are, That ministers be every way careful and painful, in warning people of the dangers thereof, and of Satan's temptations both privately and publicly, and to instruct them in the knowledge of the gospel, and grounds of religion, by plain catechising, to urge lively faith in Christ, which faith witches bestow otherwise; also to press holiness of life and fervent prayer in private, in families, and in public, that they be not led into temptation; and to use the censures of the kirk against profaneness, such as cursers, whores, drunkards, and such like, for over such the Devil gets great advantage. And, finally, for preventing this heinous sin, that people seek knowledge, study to believe, walk in holiness, and continue constant and instant in prayer; and because charming is a sort and degree of witchcraft, and too ordinary in the land, all ministers are enjoined to take particular notice of them, to search them out, and such as consult with them; and that the elders carefully concur in such search; and that an uniform way of censuring those charmers, and such as employ them or consult with them, be thought upon; and every presbytery is ordained to take into their consideration, by what other ways or means the sins aforesaid of witchcraft, charming, and consulting with witches and charmers, and sicklike wickedness may be tried, restrained, and condignly

censured and punished, ecclesiastically and civilly, and to report their judgment therein to the next assembly.—*Act Sess. ult. Aug. 19. Ass. 1643.*

III. Some ministers are appointed to consider seriously the growth of the sin of witchcraft, charming, and consulting, and to consult and advise therein among themselves, and also with some lawyers and physicians therein named, severally or together, as occasion shall offer, of a way of trial and punishment of those sins, and to report from time to time to the commission, who were to report to the then next assembly.—*Act Sess. ult. Aug. 6. Ass. 1649.*

WITNESSES *.

A list of the witnesses' names ought to be given to the defenders some time before, or at least at their compearance, and witnesses ought to be timeously cited, and if they refuse, after three citations given and executions returned, they may be proceeded against as contumacious, or after the first or second citation, application may be made to the civil magistrate to oblige them to compear.—*Form Proc. cap. 2. § 9.* Before witnesses be judicially examined, the accused person is to be called, and the relevancy of the libel discussed; and if a party make any relevant objections against the witnesses, and make his objections evident, the witnesses are to be cast, but the delator or informer may be a witness, except where he formally complained for his own interest, or that there be pregnant presumptions of his malice against the person accused.—*Ibid. § 10.* Witnesses are to be solemnly purged of malice, bribe, or good deed, or partial counsel.—*Ibid. § 11.* The witnesses are to be sworn and examined in presence of the accused party, if compearing, and he may desire the moderator to put such questions, or cross questions, to the witnesses, as may tend to his exculpation, but he is not to interrupt the witness, or speak during the time of the deponing.—*Ibid.*

* See Ministers, 10. § 57.

§ 12. If grounds of exculpation be before probation, offered to be proven by witnesses, the moderator and clerk, if required, are to give warrant to cite witnesses upon the party's charges; the relevancy of the exculpation being first sustained: And if the exculpation be fully proven, as to the substance of the scandal, all further proof of the libel must sist, and the defender be assoilzied, if the libel be special as to the time and place of a fact, and the accused more frequently allege and clearly prove an *alibi*; but the substance of the scandal being once deponed upon, there is no place for exculpation, unless it be as to some alleviating circumstances, not contrary to, but consistent with the depositions.—*Ibid.*

§ 13. If witnesses cannot subscribe, the clerk is to mark that they declare that they cannot write, and the moderator is to subscribe, whether they can subscribe or not.—*Ibid.* § 14.

Act 11. Ass. 1707.

WORSHIP PRIVATE*.

I. That every minister, besides his pains on the Lord's day, shall have weekly catechising of some part of the parish, and not altogether cast off the examination of the people till a little before the communion: Also, that in every family the worship of God be erected where it is not, both morning and evening, and that the children and servants be catechised at home by the masters of families, whereof account shall be taken by the minister and elders assisting him in the visitation of every family; and lest they fail, that visitation of the several kirks be seriously followed by every presbytery, for this end, amongst others; the execution and success whereof being tried by the synods, to be represented to the general assembly.—*Act Aug. 30. Ass. 1639.*

II. That the several synods and presbyteries, especially these in the North, take care that family-exercise in religion,

* See Profaneness, 1. Domestic Remedies of Sins, 2. Profaneness, 2. Worship Public, 1. 2. 5.

visitation of churches, catechising, keeping of presbyterial and provincial meetings, both by preaching and ruling elders, be carefully observed.—*Act Sess. 11. Aug. 5. Ass. 1642.*

III. The following rules and directions, for cherishing piety, and preventing division and schism, are approven; and ministers and ruling elders in each congregation appointed to take care, that they be observed and followed; as likewise, That presbyteries and provincial synods enquire and make trial, whether they be duly observed in their bounds; and to reprove and censure, according to the quality of the offence, such as shall be found reproveable or censurable therein; and ministers and ruling elders are appointed to make diligent search and enquiry, in the congregations committed to their charge *respectivé*, whether there be amongst them any family or families, which use to neglect the necessary duty of family worship; and if any such family be found, that the head of that family be first admonished privately, to amend that fault; and in case of his continuing therein, he is to be gravely and sadly reprov'd by the session; after which reproof, if he be found still to neglect family worship, That, for his obstinacy in such an offence, he be suspended and debarred from the Lord's supper, as being justly esteemed unworthy to communicate therein, till he amend.

Directions.—The assembly finds it convenient and necessary, That besides the public worship in congregations, mercifully established in this land in great purity, secret worship of each person alone, and private worship in families be pressed and set up; that with national reformation, the profession and power of godliness both personal and domestic be advanced. And, 1. For secret worship, That every one apart and by himself, be given to prayer and meditation morning and evening, and on other occasions: That pastors, within their several charges, press persons of all sorts to perform this duty; and that the head of every family have a care, that both themselves, and all within their charge, be daily diligent therein. 2. The ordinary duties comprehended within the exercise of piety,

which should be in families, when they are convened for that effect, are these: First, prayer and praises, performed with a special reference, as well to the public condition of the kirk of God and this kingdom, as to the present case of the family and every member thereto. Next, reading of the Scriptures, with catechising in a plain way; with godly conference, and with admonition and rebuke, upon just reasons, from those who have authority in the family. 3. That the holy Scriptures be read ordinarily to the family, and that thereafter they confer, and, by way of conference, make some good use of what has been read and heard; as for example, If any sin be reproved in the word read, use may be made thereof, to make all the family circumspect and watchful against the same; or, if any judgment be threatened, or mentioned to have been inflicted in that portion of Scripture which is read, use may be made, to make all the family fear, lest the same, or a worse judgment befall them, unless they beware of the sin that procured it. And finally, if any duty be required, or comfort held forth in a promise, use may be made, to stir up themselves to employ Christ for strength to enable them for doing the commanded duty, and to apply the offered comfort; in all which, the master of the family is to have the chief hand: And any member of the family may propone a question or doubt, for solution; but that none take upon him to interpret the holy Scriptures, but he that is duly called thereto by God and the kirk; it being a part of the charge and office of the ministerial calling. 4. The head of the family is to take care, that none withdraw himself from family worship: That ministers stir up such heads of families as are lazy, and train up such as are weak, to a fitness for these exercises; it being always free to persons of quality, to entertain one, approved by the presbytery, for performing family exercises; and other families, where the head of the family is unfit, that one constantly residing in the family, approved by the minister and session, be employed in that service, wherein the minister and session are to be accountable to the presbytery. And if a mi-

nister, by divine providence, be brought to any family, that he convene the whole family for worship, excluding none, except in singular cases. 5. That no idler, who hath no particular calling, or vagrant person, under pretence of a calling, be suffered to perform worship in families. 6. 7. That each family keep by themselves at family-worship; neither requiring, inviting, nor admitting persons from diverse families, unless it be those who are lodged with them, or at meal, or otherwise with them upon some lawful occasion. 8. On the Lord's day, after every family apart, and the whole family together have sought the Lord to fit them for the public worship, and bless to them the public ordinances, the master of the family is to take care, that all under his charge repair to the public worship; and that being finished, after prayer, he should take an account of what they have heard, and thereafter spend the rest of the time which they may spare in catechising, and in spiritual conferences upon the word of God; or else, going apart, they ought to apply themselves to reading, meditation, and secret prayer. 9. So many as can conceive prayer, ought to make use of the gift of God, albeit those who are rude and weaker may begin with a set form of prayer; but so as they be not sluggish, in stirring up in themselves the spirit of prayer; and in the meantime, that these materials of prayer be meditated upon, and made use of, as follows: Let them confess their unworthiness and unfitness for worship, and therefore ask of God the spirit of prayer; confess their sins, and the sins of the family, accusing, judging, and condemning themselves for them, until they bring their souls to some measure of true humiliation for them; pour out their souls to God, in the name of Christ, by the Spirit, for forgiveness of sins, for grace to repent, believe, and to live soberly, righteously, and godly, that they serve God with joy and delight, walking before him; thank God for his mercies to his people and to themselves, especially for his love in Christ, and for the light of the gospel; pray for such particular benefits spiritual and temporal, as they stand in need of for the time; pray for

the kirk of Christ in general, for all the reformed kirks, and for this kirk in particular—for all that suffer for the name of Christ—for all our superiors—for the King's Majesty, &c.—for the magistrates, ministers, and the whole body of the congregation whereof they are members—for their neighbours, absent and at home; they are to close with an earnest desire, that God may be glorified in the coming of the kingdom of his Son, and in the doing of his will; and with assurance that themselves are accepted, and what they have asked according to his will shall be done. 10. These exercises ought to be performed in great sincerity, without delay, laying aside all exercises of wordly business or hindrances; and to this effect, persons of eminency, and all elders of the kirk, ought not only to stir up themselves and families to diligence therein; but also to concur effectually, that in all other families where they have power and charge, the said exercises be conscionably performed. 11. Besides the ordinary duties which are above-mentioned, extraordinary duties, both of humiliation and thanksgiving, are to be carefully performed in families, when the Lord, by extraordinary occasions, private or public, calleth for them. 12. Every member of the kirk ought to stir up themselves, and one another in the duties of mutual edification, by instruction, admonition, rebuke, and exhortation to duty, by comforting the feeble-minded, and praying with, or for one another; which duties *respectivé* are to be performed upon several occasions, offered by Divine Providence; as namely, when under calamity, cross or great difficulty, counsel or comfort is sought; or an offender is to be reclaimed by private admonition; or, if that be not effectual, by joining one or two more in the admonition, according to the rule of Christ. 13. That persons troubled in conscience, finding no ease after the use of all ordinary means, private and public, have their address to their own pastor, or some experienced Christian: But if the person troubled in conscience be of that condition, or of that sex, that discretion, modesty, or fear of scandal requireth a godly, grave, and secret friend to be pre-

sent with them in their said address, it is expedient that such a friend be present. 14. When persons of diverse families meet abroad upon their particular vocations, or any necessary occasions, they ought to take care, that the duties of prayer and thanksgiving be performed, by such as the company shall judge fittest; and that they use no corrupt, but edifying communication.—See these directions more fully in *Sess. 19. Aug. 24. Ass. 1647.*^a

IV. Recommended to ministers and elders in each congregation, to take care that the worship of God, and calling upon his name be daily performed in all families; and the Act of Assembly 1694^b, which recommends, that none be ruling elders who make not conscience of this unquestionable duty, is renewed. And appointed, That in case any elder or deacon shall neglect to worship God in their families, by themselves or others appointed for that effect, that they be seriously admonished to amend, and, if need be, rebuked for the same; And if, notwithstanding of the admonition and rebuke of the minister and other elders, any elder or deacon continue obstinate in their neglect, that such elder or deacon be removed from his office by the presbytery.—*Act 7. Ass. 1697*

V. Seriously recommended to presbyteries, to use their utmost endeavours that the worship of God be set up and performed in all its parts, in the families within their bounds, according to the former acts of assemblies, and directions given concerning the same.—*Act 7. Ass. 1711.*

WORSHIP PUBLIC *.

I. Act appointing a directory for worship to be framed with all deligence, and put into the hands of the commissioners of assembly, to be by them revised and transmitted to the several synods, to the end that being reported, with their consent

^a This Act and the Directory for Private Worship, are given at large and published along with the Confession of Faith and Catechisms of the church.

^b Profaneness, 1.

* See Lord's Supper, 2. Kirks.

and observations, to the next assembly, they might after full trial and approbation, order and authorise the same to be received and practised by all ministers and particular kirks; and in the meantime, forbidding all disputations by word or writing, in private or public, about different practices in such things as had not been formerly determined by the kirk, and all condemning of one another, in such lawful things as had been universally received, and by perpetual custom, practised by the most faithful ministers of the gospel, and opposers of corruptions in the kirk, since the first beginning of reformation to these times, under the pain of censures of the the kirk; and appointing, that all beginning of separation, all scandals and divisions, be, by all means avoided.—*Act Sess. 12. Aug. 15. Ass. 1643.*

II. The directory for the public worship of God in all the three kingdoms, agreed upon by both houses of the parliament of England, after consultation with the divines of both kingdoms assembled in England, is unanimously agreed to, and approved by the assembly in all the heads thereof, together with the preface set before it: and they require, decern, and ordain, that according to the plain tenor and meaning thereof, and the intent of the preface, it be carefully and uniformly observed and practised, by the ministers and others within this kingdom whom it doth concern, from and after the time mentioned in the act: And 'tis recommended to the commission, to take special care for the timeous printing of the said directory, that a printed copy of it be provided and kept for the use of every kirk within the kingdom, and that each presbytery have a printed copy thereof, for their use; and that they take special notice of the observation or neglect thereof, in every congregation within their bounds, and make known the same to the provincial or general assemblies, as there shall be cause; and 'tis provided, that the clause in the directory respecting the administration of the Lord's Supper, which mentioneth the communicants sitting about the table, or at it, be not in-

terpreted as if, in the judgment of the kirk of Scotland, it were indifferent and free for any of the communicants not to come to and receive at the table; or, as if they approved the distributing of the elements by the minister to each communicant, and not by the communicants among themselves: 'Tis also provided, that this act should be no prejudice to the order and practice of this kirk, in such particulars as are appointed by the books of discipline and acts of general assemblies, and are not otherwise ordered and appointed by the directory, and God's goodness is acknowledged in bringing the uniformity in religion to such a period.—*Act Sess. 10. Feb. 3. Ass. 1645* ^a.

III. That minister's bowing in the pulpit, though a lawful custom in this kirk, be thereafter laid aside, for the satisfaction of the desires of the reverend divines in the synod of England, and for uniformity with that kirk.—*Act Sess. 14. Feb. 7. Ass. 1645*.

IV. Every minister charged to be diligent in fulfilling his ministry; to be holy and grave in his conversation; to be faithful in preaching, declaring the whole counsel of God, as he has occasion from the text of scripture; to reprove the sins and errors, and press the duties of the time; and in all these to observe the rules prescribed by the acts of the general assembly; and if he be negligent therein, that he be censured by his own presbytery. As also, every member in every congregation, is ordained to keep his own parish kirk, to communicate therein in the word and sacraments, except in urgent cases, made known to, and approven of by the presbytery; otherwise, that the ministers of these congregations whereto they resort, do both in public, by preaching, and in private by admonition, shew their dislike of their withdrawing from their own ministers; and the ministers of that con-

^a This act, with the directions at large for public worship, is published with the Confession of Faith, and catechisms of the church.

gregation from which they withdraw, shall labour, first by admonition, to reclaim them; and if they amend not, shall de-late them to the session, who shall cite and censure them, as contemners of the comely order of the kirk; and if the matter be not taken order with there, that it be brought to the presbytery: For the better observing whereof, that the presbyteries, at the visitation of their several kirks, and provincial assemblies, in the censure of the several presbyteries, shall enquire thereanent; which enquiry and report shall be registered in the provincial books, that their diligence may be seen in the general assembly.—*Sess. 19. Aug. 24. Ass. 1647.*

V. The due observance of the directory for public worship, is seriously recommended to all ministers and others within this national church.—*Act 10. Ass. 1705.*

VI. Recommended to persons of all ranks, to forbear bowing, or other expressions of civil respect, and entertaining one another with discourses while divine worship is performing, and holy ordinances are dispensing; and that, as to this matter, people carefully observe what is enjoined in the first head of the assembly's directory for the public worship of God in this church.—*Act 4. Ass. 1709.*

VII. Recommended to all the ministers of the church, according to their discretion, to read at one of the meetings for public worship such a portion of the Old or New Testament, or of both, as they may judge expedient. Declared, That it is not meant that this recommendation in any degree supersede the exercise of lecturing, which is enjoined to be observed throughout the church in conformity, to the acts of Ass. 1694^a, and 1704^a, as a most important branch of the public ministrations of pastors and teachers.—*Act 19. Ass. 1812.*

VIII. Recommended earnestly to all the parish ministers of this church, to give their countenance and aid, within their respective parishes, to subscriptions for erecting a monument-

^a Lecturing, 1. 2.

al edifice, comprehending a church, destined for the purposes of divine worship, in commemoration of the unparalleled victories, with which the Great disposer of Events had been pleased to crown the British Arms by sea and land, in the late glorious and eventful war, in which the valour of Scotsmen was so conspicuously displayed in every quarter of the globe.—*Act 10. Ass. 1819.*

THE END OF ACTS OF ASSEMBLY.

*The FORM OF PROCESS in the Ecclesiastical Judicatures
in Scotland, with relation to Scandals and Censures.*

ACT OF THE GENERAL ASSEMBLY APPROVING A
FORM OF PROCESS.

Edinburgh, April, 18, 1707, Sess. 11.

THE general assembly having this day, and at several former diets, had read in their audience, the overtures concerning a form of process in the judicatories of this church, with relation to scandals and censures, which were transmitted by the late general assembly to the several presbyteries for their judgment thereupon, and having maturely considered the said whole overtures, with the remarks and observations of presbyteries made upon the same; after full reasoning, both in committees and open assembly, upon the several particulars contained in the said form of process, the general assembly did by their votes, *nemine contradicenti*, and hereby do, ratify and approve the foresaid form of process as now amended, in the whole heads and articles thereof; and appoint and ordain the same to be observed and practised by the respective judicatories of this church, as an act and ordinance of assembly, and as fixed binding rules and directions in the whole matters therein contained; except the seventh, eighth, and ninth paragraphs of chapter fourth, and what concerns the pressing of the oath of purgation; as to which the general assembly supersedes at this time to enjoin the observation thereof as positive standing rules; but they did and hereby do, unanimously recommend to presbyteries and other judicatories of the church, that they regulate themselves according

to the advice therein insinuated, as they shall find to tend most for edification; the tenor of which form of process follows:—

CHAP. I.

Concerning Church Government, Discipline. Scandal, and Censures in general.

1. Our Lord Jesus Christ hath instituted a government, and governors ecclesiastical in his house, with power to meet for the order and government thereof; and to that purpose, the Apostles did immediately receive it from the hands of their Lord and master Jesus Christ, and did use and exercise the same upon all occasions, and Christ hath from time to time, furnished some in his church with gifts for government, and with commission to exercise it when called thereunto, and has promised his presence to be with them to the end of the world.

2. It is agreeable to, and founded on the word of God, that some others, beside those who labour in the word and doctrine, be church governors, to join with the ministers of the word in the government of the church, and exercise of discipline and oversight of the manners of the people, which officers are called ruling elders; as also, that the church be governed by several sorts of judicatories, and one in subordination to the other; such as kirk-sessions, presbyteries, provincial synods, and general assemblies.

3. Church discipline and censures, for judging and removing of offences, are of great use and necessity in the church, that the name of God, by reason of ungodly and wicked persons living in the church, be not blasphemed, nor his wrath provoked against his people; that the godly be not leavened with, but preserved from the contagion, and stricken with fear, and that sinners who are to be censured, may be asham-

ed, to the destruction of the flesh, and saving of the spirit in the day of the Lord Jesus.

4. Nothing ought to be admitted by any church judicatory as the ground of a process for censure, but what hath been declared censurable by the word of God, or some act or universal custom of this church agreeable thereto: And the several judicatories of this church ought to take timeous notice of all scandals: But it is judged, that if a scandal shall happen not to be noticed in order to censure for the space of five years, it should not be again revived, so as to enter into a process thereanent, unless it be of a heinous nature, or become again flagrant; but the consciences of such persons ought to be seriously dealt with in private, to bring them to a sense of their sin and duty.

5. These assemblies or church judicatories before mentioned, have power to convene and call before them any persons within their bounds, when the ecclesiastic business which is before them, doth concern them, either as party, witness, or otherwise; and to examine them according to the nature of the affair; and to hear and determine in such cases as shall orderly come before them, and accordingly dispense church censures.

6. If a person be charged with a scandal, who lives within the bounds of another parish, the kirk-session of the parish where that person resides, should be desired to cause to cite that person to answer before the session in whose bounds the scandal happened, and the same course is to be followed in such cases by the other judicatories of the church, seeing for order's sake they should not presume to exercise that authority without their own bounds.

7. The minister of the word being an office above that of the ruling elder, cannot be liable to the censure of kirk-sessions, but to the superior judicatories of the church.

CHAP. II.

Concerning the entering of Processes, citation of parties and witnesses, and asking depositions, and anent fugitives from discipline.

1. Members of kirk-sessions are wisely to consider the information they get of scandals, and consult with their minister thereanent, even before the same be communicated to others; that thereby the spreading of the scandal may be prevented, and it may be removed by private admonition, according to our Lord and Saviour's rule, Matth. xviii. 15. which, if amendment follow, is the far better way of gaining and recovering a lapsed brother, whereas the needless spreading of a scandal does sometimes harden the guilty, grieve the godly, and is dishonourable to religion.

2. When any business is moved in a church judicatory, whether by information, petition, or otherwise, they are, in the first place to consider, whether the matter in its circumstantial case be proper for them to enter upon, and whether it be orderly brought in, and proper for them to cognosce and discuss themselves, or prepare for superior judicatories; and they should endeavour to shorten their work as much, as with edification of the church they can, and as will consist with prudent zeal against sin.

3. In proceeding in all causes, where there is any person, or parties concerned, the judicatory is to see, that before they proceed, these persons or parties be duly sisted before them by a legal and timeous citation in writ, bearing its cause; either at the instance of a party complaining, or at least by order of the judicatory; and if they be residing within the parish, the same may be upon forty-eight hours advertisement, and the execution of the summons bearing its cause, and made before two or three witnesses inserted, is to be returned by the beadle or officer in writing, and the person

cited, called at the door, and this is especially to be observed by presbyteries and other superior judicatories of the church.

4. Sometimes it may be fit that the party be privately spoken to, before any citation be given or process begun, for their better gaining, in which case the minister is to exercise his own discretion, and take the concurrence of elders and others with him; but if the party cited as above, appear not, there ought to be a second, and then a third citation, by order of the sessions or presbyteries; either personally or at their dwelling-houses; before the judicatory declare the person contumacious; unless the party be cited to appear before a superior judicatory by reference and appeal, in which case there is not that need of so many citations before the superior judicatory, the party having actually appeared before the inferior judicatory.

5. All citations *apud acta* are peremptory; and, if instructed, infer contumacy when not obeyed.

6. If a person fail to appear on the third citation, or upon a citation *apud acta*, and no relevant excuse adduced and verified; though, in that case he be censurable for contumacy, yet it may be fit the judicatory proceed to take cognition, either by examining witnesses upon oath, or by other documents, of the verity of the scandals delated against him, before they censure him for contumacy.

7. If the party appear, then the moderator is to inform the person, of the occasion of his being called, and to give him, if desired, a short note in writing thereof, with the names of the witnesses that are to be made use of.

8. There is no need of accusers or informers in ecclesiastic processes, where the same are not raised at the instance of a party complaining formally; but the party, if cited by order of the judicatory, is to answer the judicatory in what is laid to his charge: Yet so, that if the party cited be found innocent and acquitted, those who informed the judicatory, whether the party require it or not, ought to be noticed, for either calumny or impudence, as the judicatory shall find cause.

9. If there be a list of witnesses made use of in the process, a list of their names ought to be given to the defenders sometime before, or at least at their compearance, and witnesses ought to be timeously cited to give evidence; and if they refuse, after three citations, and executions returned, they may be proceeded against as contumacious; or, if judged needful after the first or second citation, application may be made to the civil magistrate to oblige them to compear.

10. Before the witnesses are judicially examined, the accused person is to be called, and the relevancy of the libel discussed; and if the defender compear, he may object against any of them, and if the objection be relevant, and made evident to the judicatory, the witnesses are to be cast; but a person being the dilator or informer, doth not hinder him to be a witness, except in the case where he formally complains for his own interest, or that there be pregnant presumptions of his malice against the person accused.

11. Though there be no relevant objection, yet the witnesses are to be solemnly purged of malice, bribe, or good deed, or partial counsel.

12. The witnesses are to be sworn and examined in presence of the accused party, if compearing, and he may desire such pertinent questions, or cross questions to be proposed to the witnesses, as may tend to his exculpation, which if the judicatory think pertinent are to be proposed, but no accused person is to interrupt the witnesses, or speak during the time of their deposition.

13. If the party accused do before probation offer grounds of exculpation to be proven by witnesses, the moderator and clerk, if required, are to give warrant, to cite witnesses upon the party's charges; the relevancy of the exculpation being first considered and sustained by the judicatory; and if the exculpation be fully proven, as to the substance of the scandal, all further proof of the libel must sist, and the defender assoilzied, if the libel be special, as to time and place of a fact, and the accused more pregnantly allege and clearly

prove *alibi*: But the substance of the scandal being once depone upon, there is no place for exculpation, unless it be as to some alleviating circumstances, not contrary to, but consistent with the depositions already taken.

14. If the witnesses cannot subscribe their names to the depositions, the clerk is to mark that they declare that they cannot write, and the moderator is to subscribe, whether they can subscribe or not.

15. After depositions are ended, and parties removed, the judicatory at the same time, or some after diet thereto appointed, are to advise the cause, and in doing thereof to reason calmly, speaking always to the moderator one after another, without interrupting one another, using no reflecting language to or of one another, nor too long harangues or digressions.

16. If any person or persons, under process for scandals, abscond, they, after being called, and not compearing, should be cited, first from the pulpit of the parish where the process depends, and they reside; and if they do not thereupon appear before the judicatory before whom the process depends, they are, by order of the presbytery, to be cited from the pulpits of all the kirks of their bounds, to compear before the presbytery; and if they do not then compear, they are to be declared fugitives from discipline, and the same to be intimated in all the kirks within the bounds of the presbytery; desiring, That if any knows of the said fugitives, they may acquaint the minister or elder of the bounds thereof; and the presbytery are to sist there, until they get further notice of these persons.

CHAP. III.

Concerning swearers, cursers, profaners of the Lord's day, drunkards, and other scandals of that nature.

I. It may fall out that one single act of drunkenness, or breach of the Lord's day, disobedience to parents, or swear-

ing, cursing, scolding, fighting, lying, cheating, or stealing, may be clothed with such circumstances, as may be a just ground of process immediately, and even bring the guilty under the lesser excommunication, or suspension from sealing ordinances, and require their appearance in presence of the congregation; to be rebuked before relaxation: But the weight of this is to be duly pondered, and church judicatories and members thereof are to consider, whether private admonition of the person guilty of the above scandals not clothed with such circumstances, or the bringing them to public, will tend most to edification; and the judicatures are to proceed accordingly.

2. But ordinarily, in all such offences, the guilty is, for the first fault, to be spoken to in private by the minister or an elder, and admonished; and on promise, from a sense of guilt, to amend, they may sist there.

3. But if the person relapse, he should be called before the session, and if found guilty, be there judicially rebuked, and the session on promise from a due sense of sin to amend, may again sist.

4. But if the person amend not after that, the session should orderly proceed, unless repentance appear, and due satisfaction be offered, until they inflict the lesser excommunication, and suspension from sealing ordinances, under which, the censured is to ly until amendment and reformation.

5. With respect to scandals, the grossness whereof makes it necessary to bring the persons guilty oftener than once before the congregation, the rules prescribed by the 4th act of the general assembly, *anno* 1705; are to be followed.

6. If the guilty persons continue in this condition, or lie under the censure of the lesser excommunication a considerable time, and be found frequently relapsing in these vices they were censured for, it may be construed such a degree of contumacy, and so aggravate the crime, as to found a process of the higher excommunication to be inflicted, or not, as may

tend most to the reclaiming of the guilty, and the edification of the church.

CHAP. IV.

Concerning the sin of Fornication, Adultery, and Scandalous Carriage tending thereto.

1. In delations about the sins of uncleanness, it falls frequently out, that when the matter is put to the strictest trial, all that can be proven is but presumptions of guilt or scandalous behaviour, and not the act of uncleanness, the same being a work of darkness; and therefore this should oblige the kirk-session to be very cautious how to admit the public entering a process without good warrants, where there is not a child in the case, unless the scandal be very flagrant.

2. Many of those actions which give occasion to the raising a scandal of uncleanness, are such as are not in themselves alone publicly censurable, but are to be past with a private rebuke or admonition.

3. Yet some of these actions which come under the name of scandalous behaviour may be so lascivious and obscene, and clothed with such circumstances, as may be as offensive as the act of uncleanness itself and as censurable.

4. If a married woman, whose husband has been absent beyond the ordinary time that women use to go with child, be found with child, this may give ground to a kirk-session for a process against her; but in this case, judicatories would be prudent in considering all circumstances, and whether the person has been always of entire fame before, and how the public fame now runs.

5. When an unmarried woman is known to be with child, the same gives ground to a kirk-session for a process against her; and after she is cited before the session, and appeareth, she is to be interrogated who is the father of her child, and though in other cases the divulging of a secret may be very imprudent and indeed the raising of a scandal, yet in this case

where there is a child, whereby there is an undeniable scandal, and the keeping secret of the father a ground of great offence, and of suspecting many innocent persons, if she discover not the father, she is to be looked upon as contumacious.

6. Prudence may sometimes require, that the person, named to be the father, be informed thereof, and spoken to privately; and if he deny the same, he is to be seriously dealt with to confess; but if he still deny, the session is to cause cite him to compare before them.

7. In this process, when the delated father compareth, he is to be interrogated, and if he deny, he is to be confronted with the woman, and the presumptions as particularly held forth as possible; and all along there should be private treating with him, in all meekness, charity, and seriousness; and if, after all this, he deny, though the woman's testimony can be no sufficient evidence against him; yet frequent presumptions, such as suspicious frequenting her company, or being *solus cum sola in loco suspecto*, or in suspect postures, or such like, which he cannot disprove to the satisfaction of the session, may so lay the guilt upon him, as to shew him, that there appears to no other way of removing the scandal, but his appearance to be publicly rebuked therefore: If he will not submit to this, it perhaps may be more for edification, that a true narrative of the case be laid before the congregation, and intimation given, that there can be no further procedure in the matter, till God give further light, and sist there at the time; than that an oath be pressed, and, upon refusal, proceed to the higher excommunication; but if the person accused do offer his oath of purgation, and crave the privilege thereof, the presbytery may (if they shall judge it for edification and for the removing of the scandal) allow the same, which may be to this purpose: "I, A. B. now under process before
" the presbytery of —, for the sin of —, alleged to be
" committed by me with C. D. and lying under that grievous
" slander, being repute as one guilty of that sin; I, for end-
" ing of the said process, and giving satisfaction to all good

“ people, do declare before God and this —, that I am
 “ innocent and free of the said sin of —, or having carnal
 “ knowledge of the said C. D. and hereby call the great God,
 “ the judge and avenger of all falsehood, to be witness and
 “ judge against me in this matter, if I be guilty: And this I
 “ do by taking his blessed name in my mouth, and swearing
 “ by him who is the great judge, punisher and avenger, as
 “ said is; and that in the sincerity of my heart, according to
 “ the truth of the matter and my own conscience, as I shall
 “ answer to God in the last and great day, when I shall stand
 “ before him, to answer for all that I do in the flesh; and as
 “ I would partake of his glory in heaven, after this life is at
 “ end.”

8. In taking this oath for purgation, all tenderness and caution is to be used, nor is the session to press any man thereto; but they are to deal with him and his conscience as in the sight of God; And if he offer to give his oath, the judicatory shall accept of it, or not, as they shall see cause, and then to proceed to remove the scandal, with the advice of the presbytery, as may be most for edification: But this oath is not to be taken in any case but this, when the presumptions are so great, that they create such jealousy in that congregation and session, that nothing will remove the suspicion but the man's oath of purgation; and when his oath will probably remove the scandal and suspicion: In all other cases this oath is vain, and so should not be admitted; and never but by the advice of the presbytery.

9. This oath for purgation is to be taken either before the kirk-session or presbytery, or the congregation, as the presbytery shall determine: And if taken before the session or presbytery, it is to be intimated in the congregation; and the party may be obliged to be present in the congregation, and may be put publicly to own his purging himself by oath, and so declared free from the alleged scandal.

10. After an end is made as above, with the delated father, the woman is to be dealt with to give the true father; and if

after all serious dealing, and due diligence, she give no other; she is to be censured according to the quality of the offence confessed by her, without naming the person delated by her, the judicatory reserving place for further censure upon further discovery.

11. If the woman declares she knows not the father of the child, alleging she was forced, as in the fields, by a person unknown, or any like reason; in these cases, great prudence is to be used, the former behaviour of the woman exactly searched into, and she seriously dealt with to be ingenuous; and if she hath been of entire fame, she may be put to declare the truth, as if she were upon oath, but not without the advice of the presbytery; and no formal oath should be taken; and if the woman confess she was not forced, but doth not know the man, whether married or unmarried; the same censure is to be inflicted upon her as in the case of adultery.

12. If a person voluntarily confess uncleanness, and if there be no child, and the case be brought to the kirk-session, the session is to enquire, what presumptions there are of the truth of the thing confessed, or what may have moved the person to make that confession; whether it flows from disquietness of mind or sinister design; as when a man suing to a woman for marriage is denied, and for revenge, or for to obtain his desire, spreads the report that he hath been guilty with her, they are to be dealt with, according as the presumptions, upon search, are found, or not.

13. If it be found there is no ground for the confession, and that it is false, the person confessing is to be censured, as defaming himself, and likewise as a slanderer of the other party; and withal application is to be made to the civil magistrate, that he may be punished according to law.

14. If there be need of witnesses, the directions formerly mentioned, Chap. II. are to be followed.

15. When persons guilty of uncleanness live, one in one parish, and another in another parish, the process against

them and censures are to be before the session of the parish where the woman liveth, or where the scandal is most notour.

16. If a scandal of uncleanness be committed where neither party resides; as if persons having their fixed residence in one parish, do commit uncleanness in another parish, or perhaps in the fields, or in the time of fairs and markets; in these cases, they are to be processed and censured where their ordinary abode is, except the place of their abode be at a considerable distance from the place where the sin was committed, and the scandal most flagrant where it was committed.

17. When there is a scandal of uncleanness, whereof persons are guilty, living in different parishes, the session where the sin is committed, is to acquaint the other sessions where any of the persons reside, who are, *ex debito*, to cause summon these persons to appear before that session where the scandal is to be tried.

18. When a person is convicted of scandal by a session of another congregation than his own, and the censure of the lesser excommunication is inflicted, the session is to send an account thereof to that session to which he belongs; but there is no need of any other sentence of his own session, to fix the censure on him, but only a public intimation thereof to be made in his own parish.

19. When a person is censured and absolved from his scandal in another congregation than where he lives, he is to bring a testimonial of his absolution, which is to be intimated in the congregation he lives in, if the scandal be also flagrant there, otherwise it will be sufficient to intimate the same to the session; and the same is to be done in the case of the profession of repentance, where there has been a sentence of the lesser excommunication.

CHAP. V.

Concerning Appeals from a Kirk-session to a Presbytery.

1. All persons who judge themselves lesed by a kirk-session, may appeal to the presbytery at the passing of the

sentence, and should thereupon, according to Act 8. Ass. 1694^a. give in the appeal, with the reasons thereof in writ, to the moderator, or clerk of the session, within ten days after appealing, and procure and present extracts thereof to the next meeting of the presbytery thereafter, if there be at least ten free days betwixt the time of appealing and the meeting of the presbytery, and should then insist; wherein if the appellant fall, the appeal *ipso facto* falls, and becomes null, and he is to be held as contumacious, and proceeded against accordingly by the kirk-session.

2. When an appeal is brought from a kirk-session to a presbytery, the presbytery is to consider, whether the cause is of that nature, as it behoveth at length to come to the presbytery by the course of discipline, before the final determination thereof; as if it be in a process of alleged adultery, or such like; then the presbytery, to save themselves time, may fall upon the consideration of the affair, without insisting much upon the *bene* or *male appellatum*, though it seems to be preposterously appealed.

3. But if the cause be such as the kirk-session are the competent judges of, even to its ultimate decision, and if there shall have been no cause given by the kirk-session, by their breaking the rules of an orderly process, or by the incompetency of the censure, the presbytery is not to sustain the appeal.

4. If the presbytery do not sustain the appeal, and find there hath been some fault, passion, or culpable mistake in the appellant, the presbytery is to inflict some censure, such as a reproof before the presbytery, or appoint an acknowledging of their precipitancy before their own session, or such like, or those appellars they find to have been malicious or litigious thereby to prevent unnecessary appeals, and that besides remitting back to the session, to stand either to the censure of

^a Appeals, 4.

the session, if it be inflicted already, or to sist themselves during the process, if it be depending.

5. If the appeal be sustained, and yet upon proceeding on the cause, the presbytery find the appellant censurable, then whatever censure be inflicted to remove the offence he hath given to the presbytery; yet the appellant, if found guilty, is to undergo a censure, either before the kirk-session, or congregation he belongs to, such as the presbytery thinks he deserves, else presbyteries will be always troubled with appeals.

6. If on the other hand, on trial of the process, the presbytery find the kirk-session hath unwarrantably proceeded, either in contributing to the raising of a scandal, or inflicting the censure without a sufficient cause, and thereby the appellant lesed; the presbytery is not only to assoilzie the appellant, but to take such ways as may be proper and effectual to vindicate his innocence, and wipe off the scandal taken at him.

7. But herein the presbytery is to exercise great prudence, doing justice to the innocent, yet so as not to weaken the kirk-session's authority in that congregation, if in justice it can be avoided.

8. But such an emergent may very well occasion the presbyteries giving the minister and elders suitable injunctions and rules, or private admonitions, or call for a visitation of their session-register.

9. The same method is to be followed in appeals from presbyteries to synods, and from synods to general assemblies.

10. An appeal being made by parties, should sist the execution of the sentence appealed from, only while the appeal is duly and diligently prosecuted, and may thereby be determined; otherwise not, unless the judicatory appealed to, receive the appeal, and take the affair before them; and in that case, the judicatory appealed from, is to sist until the appeal is discussed.

CHAP. VI.

Concerning processes, which natively begin at the kirk-session, but are not brought to a final determination by them.

1. There are some processes, which natively begin at the kirk-session, which, for the atrocity of the scandal, or difficulty in the affair, or general concern, the session having the opportunity of frequent meetings of the presbytery to have recourse thereunto, do not determine of themselves, such as scandals of incest, adultery, trilapse in fornication, murder, atheism, idolatry, witchcraft, charming, heresy, and error vented and made public by any of the congregation, schism and separation from the public ordinances, and processes in order to the highest censures of the church, and continued contumacy; but the kirk-session having received information of such gross scandals, they are to weigh the same according to the rules and directions prescribed in other processes, which belong to their peculiar province, and to deal with the accused to confess; which being done, they are to refer the case, and send an extract of their procedure thereanent to the presbytery.

2. When there is no confession of the scandals above mentioned, the session are not to lead probation of witnesses or presumptions, until the matter be first referred to the presbytery as aforesaid, and the presbytery appoint them to proceed and lead probation; and after probation is led, the same is to be brought to the presbytery, who may inflict what censure they see cause.

3. Sometimes it will fall out, that the process is so clear, as in a case of judicial confession, the session may summon the delinquent *apud acta*, to compear before the presbytery without previously acquainting them thereof; but where there is any difficulty, the session should take the presbytery's advice, before a party be summoned before them.

4. When the party or parties compear before the presbytery, if they confess, or profess repentance, the presbytery

having gravely rebuked, and seriously exhorted the party or parties, are to determine the censure, and prescribe the time and place of their profession of repentance publicly, in the church of that congregation where the process began, or remit them to the session to give orders thereanent.

5. It is thought more fit that the delinquents be appointed to remove the scandal in the congregation where the offence is most flagrant, especially if they reside there, rather than in the place where it was committed, if not public there; and that intimation of the removing thereof be made, in other places, if found needful.

6. When persons censured for gross scandals, do apply to the kirk-session for relaxation, they may both be privately conferred with, and their acknowledgments heard before the session; but they ought not to be brought before the congregation, in order to absolution, nor be absolved, but by advice and order of the presbytery.

CHAP. VII.

Concerning Processes against Ministers.

1. All processes against any minister are to begin before the presbytery to which he belongs, and not before the kirk-session of his own parish.

2. The credit and success of the gospel (in the way of an ordinary mean) much depending on the entire credit and reputation of ministers, their sound doctrine and holy conversation, no stain thereof ought lightly to be received, nor when it comes before a judicatory, ought to be negligently enquired into, or when found evident, ought to be slightly censured,

3. And because a scandal committed by a minister hath on these accounts many aggravations, and once raised, though it may be found without any ground, yet is not easily wiped off; therefore a presbytery should exactly ponder by whose information and complaint a scandal comes first before them, and a presbytery is not so far to receive the information, as to pro-

ceed to the citation of a minister, or any way begin the process, until, *1mo*, some person sign the complaint, and give some account of its probability, and undertake to make out the libel; or, *2do*, at least do, before the presbytery undertake to make it out, under the pain of being censured-as slanderers; *3tio*, or, that the *fama clamosa* be so great, that the presbytery, for their own vindication, begin the process without any particular accuser; but the presbytery in this case would be careful, first, to enquire into the rise, occasion, broachers, and grounds of the *fama clamosa*.

4. All Christians ought to be so prudent and wary in accusing ministers of any censurable fault, as that they ought neither to publish nor spread the same, nor accuse the minister before the presbytery, without first acquainting himself, if they can have access thereto; and then, if need be, some of the most prudent of the ministers and elders of that presbytery, and their advice got in the affair.

5. If there shall be ground found to enter in a process against a minister, the presbytery should first consider the libel, and then order him to be cited, and to get a full copy thereof, with a list of the witnesses names to be led for proving thereof, and a formal citation in writ is to be made, either personally or at his dwelling-house, bearing a competent time allowed to give in answers to the libel, and his defence and objections against witnesses, at least ten free days before the day of compearance; and the citation should bear the date when given, and the names of the witnesses to the giving thereof; and the execution bearing its date, with the names and designations of the witnesses should be made in writ, and signed by the officer and witnesses, which being returned, he is to be called, and if he compear, the libel is to be read to him, and if he have answers to it in writing, they may be read and considered; and if the presbytery find the libel relevant, and that there is cause to insist, they are to endeavour to bring him to a confession; and if he confess matters of a scandalous nature, censurable in others, the presbytery, whatever be the nature

of his penitence, though to the conviction of all, are *instanter* to depose him *ab officio*, and appoint him to appear before the congregation where the scandal was given; and in his own parish for removing the offence by a public profession of repentance.

6. If a minister be accused of any scandal, and cited to appear before his own presbytery, and do absent himself by leaving the place, and be contumacious without a relevant excuse, after a new public citation, or intimation at his own church, when the congregation is met, he is to be held as confessed, and to be deposed and censured *instanter* with the less excommunication, but if, after some time, he do not return and subject himself, he may be proceeded against until he be censured with the greater excommunication, if the judicatory see cause.

7. If the minister accused do appear and deny the fact, after the relevancy is found, the presbytery proceeding to probation, and to find the truth of the matter, all the circumstances are to be exactly canvassed, and the accused heard to object against the witnesses: as also he should be allowed to be present at the examination, and modestly to cross interrogate; and then the reputation of the witnesses, and their liability duly regarded, and the examination considered: if, after consideration of all these, the judicatory shall find the scandal sufficiently proven, they are to proceed to censure as in § 5. *supra*.

8. If the matter laid to the minister's charge be such practices as in their own nature manifestly subvert that order, unity, and peace which Christ hath established in his church, or unsoundness and heterodoxy in doctrine, then great caution should be used, and the knowledge and understanding of the witnesses much looked into, and if the errors be not gross and striking at the vitals of religion, or if they be not pertinaciously stuck unto, or industriously spread with a visible design to corrupt, and that the errors are not spreading among the people; then lenitives, admonitions, instructions, and frequent conferences are to be tried to reclaim without cutting off, and the advice of other presbyteries sought, and

unless the thing be doing much hurt, so as it admits of no delay, the synod or general assembly may be advised with, and this intimated to the minister concerned.

9. If the libel and complaint against a minister be a multitude of smaller things laid together, as several acts of negligence, or other unsuitable actions, the presbytery, in proceeding therein, are to make a presbyterial visitation of that parish to which the minister belongs, and at the said visitation are first to see if any of these things now laid to the minister's charge, were committed prior to the last presbyterial visitation, and if they were then laid to the minister's charge, and if they were not, it is to be tried how they came to be laid to his charge now.

10. If the presbytery finds these things laid to his charge, to be committed since the last visitation, or finds a satisfying reason why they were not tabled then; they are to enquire what diligence has been used in acquainting the minister of the offence of those things when first committed, and how far he has been guilty, after he knew offence to be taken.

11. It should likewise in this case be enquired, whether any of the complainers did first in a prudent, private way inform any of the neighbour ministers of those things committed by their minister, who is now challenged, before these offences came to be so many as to merit a public solemn trial, and accordingly the presbytery is to judge.

12. If the presbytery find, upon trial, the complaint to resolve upon the minister's having committed such acts of infirmity or passion, as, considering all the circumstances, may be either amended, and the people satisfied, and no such offence taken; or, at least not to remain, so as to hinder the minister's profiting the people, or that the offence was taken only or mainly by his own people; then the presbytery is to take all prudent ways to satisfy or to reclaim both ministers and people, and do away the offence.

13. But before a minister deposed for scandalous carriage can be restored to the exercise of the ministry, there should be, not only convincing evidences of deep sorrow for sin, but

an eminent, exemplary, humble walk, and edifying conversation, so apparent and convincing, as hath worn out, and healed the wound the scandal gave.

14. Immediately upon the minister's being deposed by the presbytery, the sentence is to be intimated to the congregation, and the church declared vacant, the planting thereof hastened, and never delayed on expectation of his being re-poned, it being almost impossible that ever he can be useful in that place again.

CHAP. VIII.

Concerning processes in order to the censure of the Greater Excommunication.

1. Since there is distinction betwixt the greater and the less excommunication, it seems that whatever have been the causes of the first process, yet ordinarily all processes that are in order to the greater excommunication are to be grounded on manifest contumacy, or obstinate continuance in scandalous practices; and where there is no manifest contumacy, or continuance aforesaid, the less excommunication needs only have place. Yet in some extraordinary cases, the church according to scripture warrant, hath summarily excommunicated persons guilty of notour, atrocious, scandalous sins, to shew the church's abhorrence of such wickedness.

2. Even where there hath been a scandal delated, and contumacy following, by not appearing, it would be considered, whether any scandalous practice hath been proven or not; if not proven, then only the simple contumacy is to be proceeded against, for which it were hard to go a greater length than the less excommunication.

3. If the scandal hath been proven, and the censure of the less excommunication intimated, as in Chap. 3. it seems reasonable that there be no further proceeding, unless the scandal be gross, or of a heinous nature, or that it is spreading and infectious, as in heresies, or schism in the church; in

which cases contumacy is to be proceeded against, in order to the greater excommunication.

4. The kirk-session having brought the process to an intimation of the censure of the less excommunication, before they inflict the same, they are to refer the affair to the presbytery, bringing their whole proceedings before the presbytery in writ, that they may have a full view of the whole affair.

5. The presbytery finding the kirk-session hath orderly proceeded, and that the less excommunication is not sufficient, and that the affair is so weighty as to oblige them to enter on the process, they are to cause the officer to cite the scandalous person.

6. If the party appear, then the presbytery is to proceed in the inquiry at the accused, about the scandal alleged and libelled, and if he deny it, they are to proceed and lead probation as in other cases.

7. But if the party appear not, but contemn the citation, the presbytery causeth renew the same, until he hath got three; and after the three citations he is to be cited out of the pulpit; and for the further conviction of all concerned, intimation is to be made, that the judicatory will proceed to inquire into the presumptions or probation of the guilt; and this is to be done although the delinquent be absent.

8. Then the presbytery is to order the minister of the congregation next Sabbath, after forenoon sermon, to inform the congregation what proceedings the kirk-session first, and thereafter the presbytery hath made in the affair, and how contumacious the party was, and that the presbytery intended to proceed to the highest censure; and the minister is gravely to admonish the party (if present) to repent and submit himself, threatening him, that if he continue impenitent, the church will proceed; yea, though he be absent, the minister is to acquaint the people, that the church requires him to repent and submit, under the foresaid certification.

9. There should be three public admonitions, and a presbytery should intervene betwixt each admonition; and if the

person still continue impenitent and contumacious, the same is to be represented to the presbytery, who are thereupon to appoint public prayers thrice to be made, in which the minister is to exhort the congregation seriously to join with him in prayer, for the scandalous, impenitent, contumacious person, which he is solemnly to put up to God, humbly to beg that God would deal with his soul, and convince him of the evil of his ways.

10. The public prayers are to be put up three several Sabbath days, a presbytery (where it meets at least once a month) intervening between each public prayer, both to shew the church's tenderness towards their lapsed brother, their earnestness to have him reclaimed, and likewise to create a greater regard and terror of that dreadful censure, both in the party and all the people.

11. If, after all, the scandalous person makes no application, but continues impenitent; the presbytery, after prayer, is to pass sentence, and to appoint a minister to intimate the same, and to shew the presbytery's resolution to proceed upon such a Sabbath as they shall name, for pronouncing the sentence solemnly in the face of the congregation, unless either the party, or some for him, signify some relevant ground to stop their procedure.

12. The day being come, it were fit the minister did preach a sermon suited to that solemn occasion, or at least, after sermon, shew the congregation what he is going about, introducing the narrative of the process, with a discourse concerning the nature, use, and end of church censures; particularly the greater excommunication, if he hath not done it fully in his sermon.

13. Then narrating all the steps of the process in order, shewing the church's faithfulness and tenderness towards the scandalous person, and declaring his obstinate inpenitency; and now that all other means were used, there remained only that of the church's cutting off the scandalous person from

the society of the faithful, and intimating the presbytery's warrant and order so to do.

14. Before the minister pronounce the sentence, he is to pray, and desire all the congregation to join with him therein, that God would grant repentance to the obstinate person, and bless his ordinance, and make it effectual both for the edification of others, and reclaiming the obstinate sinner.

15. Then, after prayer, the minister is, with great gravity and authority to pronounce the censure, showing our Lord's command, the apostle Paul's direction, and recapitulating the presbytery's warrant, and resuming the scandalous and obstinate person's behaviour, whom he is to name. He therefore, in the name and authority of our Lord and Master, Jesus Christ, doth, *in verbis de præsenti*, pronounce and declare him or her excommunicated, shut out from the communion of the faithful, and debarring that person from their privileges, in the words of the apostle, delivering that person over to Satan; which sentence is to be intimated, according to *Act 9. Ass. 1704*^a.

16. If, after prayer, or before the sentence be pronounced, the scandalous person make any public signification of his repentance, and his desire to have the censure stopped, the minister, upon apparent seriousness in the scandalous person, which he sheweth to the congregation, may thereupon delay pronouncing sentence, till he report to the presbytery at their next meeting, who are then to deal with the person as they find cause.

17. After the pronounciation of the sentence, the people are to be warned that they hold that person to be cast out of the communion of the church, and that they shun all unnecessary converse with that person; nevertheless, excommunication dissolveth not the bonds of civil or natural relations, nor exempts from the duties belonging to them.

18. Although it be the duty of pastors and ruling elders

^a Excommunication, 6.

to use all diligence and vigilance, both by doctrine and discipline respectively, for preventing and purging out errors, heresies, schisms, and scandals, tending to the detriment and disturbance of the church; yet because it may fall out, through the pride and stubbornness of offenders, that these means alone prove not effectual to that purpose, it is necessary to employ the aid of the civil magistrate, who ought to use his coercive power for the suppressing all such offences, and vindicating the discipline of the church from contempt.

CHAP. IX.

Concerning the order of proceeding to absolution.

1. If, after excommunication, signs of repentance appear in the excommunicated person, such as godly sorrow for having incurred God's heavy displeasure by his sin, occasioned grief to his brethren, and justly provoked the church to cast him out of their communion, together with a full purpose of heart to turn from his sin unto God through Christ, and to reform his life and conversation, with a humble desire of recovering peace with God and his people, and to be restored to the favour of God and light of his countenance, through the blood of Jesus Christ, and to the communion of the church; and the presbytery upon his application be satisfied therewith, and judge that he ought to be absolved, and thereupon give warrant for his absolution, he is to be brought before the congregation, and there also to make free confession of his sin and sorrow for it, to call upon God for mercy in Christ, to seek to be restored to the communion of the church, promising to God, through grace, new obedience, and more holy and circumspect walking as becomes the gospel, and that this appearance before the congregation be as often as church judicatories shall find may be for edification and trial of the professing penitent's sincerity; and being satisfied in this, then the minister and congregation are to praise God, who delighteth not in the death of the sinner, but rather that

he should repent and live; as also, for blessing the ordinance of excommunication, and making it effectual by his Spirit to the recovering of the offender, to magnify the mercy of God through Jesus Christ, in pardoning and receiving to his favour the most grievous offenders, whensoever they unfeignedly repent and forsake their sins; but before the minister proceed to absolution, he is to pray with the congregation to this effect: “That the Lord Jesus Christ, prophet, priest, and king of his church, who with the preaching of the gospel hath joined the power to bind and loose the sins of men, who hath declared, that whosoever by his ministers is bound on earth, shall be bound in heaven, and also, that whatsoever is loosed by the same, shall be loosed and absolved in heaven, would mercifully accept his creature N, whom Satan of long time hath held in bondage, so that he not only drew him to iniquity, but also so hardened his heart, that he despised all admonitions, for the which his sin and contempt, the church was compelled to excommunicate him from the society of the faithful; but now seeing the Holy Spirit, by his grace, hath so prevailed, that he is returned, and professeth repentance toward God, and faith toward our Lord Jesus Christ, that it may please God, by his Spirit and grace, to make him a sincere and unfeigned penitent, and for the obedience of our Lord Jesus Christ unto death, so to accept of this poor believing and returning sinner, that his former disobedience may never be laid to his charge, and that he may increase in all godliness; so that Satan in the end may be trodden under foot by the power of our Lord Jesus Christ, and God may be glorified, the church edified, and the penitent saved in the day of the Lord.”

2. Then shall follow the sentence of absolution in these or the like words: “Whereas thou N, hast been for thy sin, shut out from the communion of the faithful, and hast now manifested thy repentance, wherein the church resteth satisfied; I, in the name of our Lord Jesus, before this con-

“gregation, pronounce and declare thee absolved from the
“sentence of excommunication formerly denounced against
“thee, and do receive thee to the communion of the church,
“and the free use of all the ordinances of Christ, that thou
“mayest be partaker of all his benefits, to thy eternal salva-
“tion.”

3. After this sentence of absolution, the minister speaketh to him as a brother, exhorting him to watch and pray, and comforting him as there shall be cause: The elders embrace, and the whole congregation hold communion with him as one of their own: And the absolution should be intimated in all the churches where the excommunication was intimated.

APPENDIX,

CONTAINING

AN ABRIDGED VIEW OF THE PRESENT STATE

OF THE

Civil Law

RESPECTING THE CHURCH.

APPENDIX.

ANN.

ANN or Annat is the right which law allows to the executors of a minister, of half a year's stipend, over and above what was due for his incumbency, payable immediately after his death. By some early decisions it was extended to a whole year's stipend ^a, but it was afterwards limited, and is now finally settled by the following provision; that if a minister live after Whitsunday, his executors are entitled to one half of that year's stipend in right of his benefice, and to the other half in name of Ann: And that, if he survive Michaelmas, his executors are entitled to the whole of that year's stipend in right of the benefice, and to one half of the following year's stipend, in name of Ann ^b.

The Ann is now the right of all ministers indiscriminately; and is due to the executors of the minister of a burgh, whose stipend is not paid from teinds, but from the revenues of the burgh or a fund from voluntary subscription ^c.

The right of Ann does not extend to the glebe or manse. If a minister, before his death, sow the glebe, his heirs are entitled to reap the fruits, according to the rule *messio sequitur*

^a Durie, July 19, 1626, Marischal.

^b Act 1672, c. 13.

^c Fountainhall & Forbes, Shiels *v.* Earl of Crawford, 8th Feb. 1709. Hutcheson *v.* Magistrates of Edinburgh, 9th June 1747.

servitem. But an heir or executor cannot after the incumbent's death, pretend to sow the glebe even although the seed-time be arrived. Where the lands are possessed by a tenant, and the minister die after November, and though the tenant has sown them with wheat; he cannot be removed till he has reaped the crop; but the executors of the deceased minister have no right to the rent, one half of which goes as vacant stipend, and the other to the succeeding minister^d. Neither the widow nor the children are entitled to possess the manse beyond the next term of Whitsunday or Martinmas after the minister's death; during which space, they are presumed to have had sufficient time to provide themselves with another residence. They are entitled also to the next term after the minister's death, to continue in possession of such pastures as attach to the benefice.

There exists a difference of opinion as to the mode of proportioning the Ann. It is supposed by some, amongst whom is Mr Erskine, that it ought to be subject to the rules of succession in moveable property, by which, where there is a widow and children, one third goes to the widow, the other to the children, and the remainder, denominated "deads part," falls also to the children. But it has been determined, that the Ann stands upon a different footing from that of other moveable subjects; it never in any way belonged to the deceased; but is a legal gratuity vested in his widow and children, and therefore admits only of a two-fold division; one of which goes to the widow by herself, and the other *per capita* to the children^e. Where there is a widow without children, the widow gets the one half, and the nearest of kin, the other. If there be children and no widow, the children get the whole, to the entire exclusion of the other relatives of the deceased; and where he has left neither widow nor child, the whole Ann goes to the next of kin^f.

^d Sir Robert *v.* Carstairs, 18th June, 1807. Ersk. B. II. tit. 10. § 67.

^e Children of Macdermit *v.* Montgomery, 14th July, 1747.

^f Stair, July 6, 1665, Colvil.

The executors of a minister have right to the Ann, "without necessity or expense of confirmation," which is the method the law has appointed to perfect titles to the moveable property belonging to the deceased, in the person of his nearest of kin; and therefore, a form of this kind is unnecessary to vest the right ^g.

The Ann belonging only to the executors of a minister, he is not entitled, were he so inclined, to give it away or impair it by legacies ^h. Nor can the Ann be attached or affected by the creditors of an insolvent minister ⁱ.

The Ann is due only where the minister has died an incumbent of a parish. Therefore when he is translated to another benefice, no Ann is due; or when he has been deposed, or has resigned his living, at his death there is no Ann. But the sentence of a church court suspending a minister from his office, will not affect the Ann ^j.

The Ann is burdened with a sum, equal to the one half of the annual rate at which the incumbent has been in the use of contributing to the fund for the widows of ministers ^k.

CHURCH GOVERNMENT.

The form of church government underwent repeated changes in Scotland, after the reformation. It fluctuated between presbytery and episcopacy for a long series of years; but at length the presbyterian mode was established at the revolution ^l, and confirmed at the union. It was then declared to be the only, and the unalterable government of the church within Scotland; and the inhabitants to be free from any oath, test, or subscription contrary to, or inconsistent with the protestant religion, and presbyterian church government as established by law ^m.

^g Act 1672, c. 13.

^h *Alexander v. Cunningham*, 18th March, 1686, Fountainhall.

ⁱ *Donaldson v. Brown*, 20th February, 1694, Fountainhall.

^j *Widow of Shiels v. Heritors of West Calder*, 26th January, 1670, Stair.

^k Acts 17 Geo. II. c. 11. § 16. and 19 Geo. III. c. 20. § 14.

^l Act 1790, c. 5.

^m Act 1707, c. 6.

Presbyterian church government consists of kirk sessions, presbyteries, synods, and general assemblies ⁿ. Each of these courts is composed partly of clergymen, and partly of laymen, who bear office in the church, under the denomination of elders. The kirk-session is composed of the minister or ministers of each parish, with two or more elders, who superintend the concerns of that individual parish, under the review of the presbytery. Presbyteries consist of several ministers of contiguous parishes, with an elder from each; and their business is to inflict censures, plant ministers in vacant churches, ordain them, translate them from one church to another, suspend them from the exercise of their office, and deprive them of the office itself. But an appeal lies from all sentences of the presbytery to the provincial synod; which is composed of several adjacent presbyteries, with an elder from each, and which is chiefly a court of review: An appeal is also competent from this court to the general assembly. The chief business of this venerable court, which is the supreme ecclesiastical tribunal, and admits of no appeal, except in a few instances to the imperial parliament, besides the discussion and determination of appeals from all the other ecclesiastical courts in Scotland, is to define or explain articles of faith, condemn heretical opinions, and lay down regulations for the better establishment of the government and discipline of the church; but all their resolutions must be consistent with the laws of the realm, from which the church derives its authority ^o.

Besides the jurisdiction of the church in spiritual matters, which, in general, is exercised by all the courts, there is a civil jurisdiction peculiar to some of them, consisting of the following particulars. Presbyteries have, in some respects, the charge of parochial schools and schoolmasters ^p. Heritors being appointed to provide a school-house and modify a salary for a master, if they fail to do so, or neglect to fill up a vacancy

ⁿ Act 1592. c. 116.
43 Geo. III. c. 54.

^o *Ibid. ut supra.*

^p Acts 1696. c. 26. and

within four months after it takes place, the presbytery is directed to apply to the commissioners of supply of the county, who, or any five of them, have power to establish the school and settle the salary^q. All schoolmasters and teachers of youth are liable to the trial and judgment of their respective presbyteries, not only for their sufficiency and qualifications, in order to their being elected, but for their conduct and deportment after their admission, while they continue in their offices^r. Presbyteries are empowered to design or mark out proper manses and glebes for ministers; but their powers go no farther than designation: if the possessor of the ground designed, refuse to give up the possession to the minister, the execution is committed to the court of session, by whose authority letters issue from the signet for that purpose^s. The kirk-session also possess civil jurisdiction in some cases. The kirk-session of every parish has power to put in execution the statute for punishing strong and idle beggars^t, and for supporting the poor^u. It has also power to try, cognosce, and put in execution the statute prohibiting lint to be steeped in lochs and burns^v; and also to try the crime of drunkenness^w.

By an early act, all assemblies, even in ecclesiastical matters, which had not the king's previous licence were prohibited^x: but a subsequent statute declares, that though his Majesty or his commissioner have power to name the time and place of meeting of the general assembly, yet in their absence, it is lawful for the assembly itself to appoint the time and place of its next meeting^y. It has never, however, met in a national assembly, without the royal warrant; and upon an occasion of the king's commissioner thinking it incumbent upon him, in the discharge of his office, to dissolve the assembly before their business was concluded, the court prudently gave way, and submitted to the dissolution without a mur-

^q Vide Schools and Schoolmasters. ^r Ibid. ^s Vide Manses. Glebes.

^t Act 1579. c. 74. ^u Acts 1597. c. 272; 1600, c. 19. ^v Acts

1606, c. 13; 1685, c. 20. ^w Act 1617, c. 20. ^x Act 1584, c. 131.

^y 1592, c. 116.

mur^z. On another occasion when by accident, the king's commission had not arrived at the time fixed for the meeting of the assembly, it met, chose its moderator, and settled the order of taking up causes, but did not actually proceed to business till the commission arrived^a.

COMMUNION ELEMENTS.

At a very early period, communion elements were ordered to be furnished by the parson of the parish^b, but subsequently stipends were declared free from all burdens whatsoever^c. It is now, and has been for a considerable time, the invariable practice to modify a fixed sum for communion elements, along with the minister's stipend, out of the teinds; and that most probably under the authority of the general words contained in a commission of parliament^d, repeated in another immediately following^e. All the powers of the commissions of parliament before the union, being concentrated in the court of teinds, and these commissions having assumed that power, the exercise of it has been continued to the present day. In one of the first modifications granted after the union, the decret bears, that the provision was given "both for stipend and " communion elements^f."

The sum modified for a number of years seldom exceeded forty or fifty merks, or forty pounds Scots: After 1715, there are a few instances of a hundred merks or a hundred pounds Scots. After second augmentations came to be granted by the court, a hundred pounds Scots (£8. 6s. 8d.) was the sum generally allowed; and of late years, to a populous parish, ten pounds sterling have been awarded. The allowance is generally in money.

As the sum granted for communion elements, does not properly form a part of the stipend, the minister is not entitled

^z Ersk. B. I. tit. 5. § 6.
1572, c. 54.
1641, c. 30.

^c Act 1593, c. 165.

^a In the years 1746, and 1760.

^d Act 1633, c. 19.

^f Parish of Nigg, 26th Nov. 1707.

^b Act

^e Act

to receive it, except on the actual celebration of the ordinance, to defray the expence of which it is intended. Where a minister had neglected to administer the sacrament, and uplifted the allowance, the heritors brought an action against him to return what he had received, and to bestow it on the poor; the court found him liable ^g. Where the sum modified has been paid, even although the ordinance had not been celebrated, yet the court ruled, that the heritors had no claim of repetition against the minister ^h. In this case, notwithstanding the sum modified for communion elements had been regularly paid, yet the sacrament had not been administered in the parish church for six or seven successive years; and although there was not sufficient ground for repetition against the minister, yet a clear opinion was delivered, that the heritors were not bound to pay the sum modified for communion elements in future, unless the sacrament was regularly administered.

CONFESSION OF FAITH.

The Confession of Faith ⁱ agreed upon by the assembly of divines at Westminster, which contains the articles of belief, and is the standard of the doctrine and worship of the church of Scotland, was ratified, and all statutes contrary to it were rescinded ^j. At the revolution it was approved by parliament, and ordained as the public and avowed confession of the faith of the church ^k.

Every minister possessing a benefice in the church, must sign the confession of faith within a month after his admission; and such as maintain any doctrine contrary to the articles of it, and either persist therein or relapse after admonition, shall be deprived of his benefice ^l. And none is to be admitted or continued a minister or preacher, unless he sub-

^g Minister of Abdie v. Heritors, 2d July 1715.
14th June, 1780.

ⁱ Act 1607, c. 5.

^h Hay v. Williamson,
Act 1567, c. 31.

^k Act 1690, c. 5.

^l Act 1572, c. 46.

scribe the confession of faith, declaring it to be the confession of his faith; and that he owns the doctrine therein contained to be the true doctrine of the church, to which he will constantly adhere^m. This is also obligatory on all principals, professors, and other office-bearers in universities or collegesⁿ, and also upon schoolmasters^o.

COURT OF TEINDS.

The teind court was originally a commission of parliament appointed first in the reign of James VI^p to ameliorate the ecclesiastical state of Scotland. It was renewed from time to time, with powers to plant churches, where they were wanted, to disjoin them when requisite, and unite them when circumstances rendered it necessary; and at the same time to make effectual provision for the ministers, by modifying stipends for them, out of the teinds which formerly belonged to the church. At the union, the powers of all these commissions were transferred to the judges of the court of session, who were declared perpetual commissioners^q. This court regarded as a commission of parliament, is quite unconnected with the court of session. Their jurisdictions are distinct; and each has its particular clerks, macers, and other officers. But their proceedings are subject to the review of the house of lords^r as well as those of the court of session. This court, which consists of the whole judges *in presentia*, now meets once a fortnight during the session time, at 10 o'Clock in the forenoon, and the whole day is devoted to teind business^s.

The powers of the court by a late act of parliament, have undergone considerable alteration and enlargement, in the augmentation and modification of ministers' stipends^t.

It was formerly a matter of doubt, whether the powers of the court permitted the re-augmentation of a stipend which had been augmented since the union. This doubt is now,

^m Act 1693, c. 46.
c. 54.
8th July, 1784.

^p Act 1617, c. 3.

ⁿ Act 1690, c. 17.

^q Act 1707, c. 9.

^s By Act 48 Geo. III, c. 138, § 15.

^o Act 48. Geo. III.

^r Kilmoden,

^t *ib.*

however, removed, and stipends are allowed to be re-augmented. But those which had been modified before the 12th March 1808, are not to be again augmented for fifteen years after the date of the former decret of modification ^u. And those stipends which should be augmented since that period are not to be so again for twenty years thereafter ^v. But from this rule were excepted, all processes which had been brought into court prior to the 12th March 1808, and such as were under appeal to the house of lords. It was declared competent for the pursuer, either to suspend these actions, until the lapse of fifteen years from the last decree of modification, or bring them to a conclusion. In the latter case, the court was empowered to augment or not as they saw occasion, and if they did, such stipends were not to be altered for twenty years thereafter ^w.

It had long been uncertain, whether a modification could take place in victual, where the tiends were valued in money; or *vice versa*. But it is now appointed, that every stipend shall be modified wholly in victual, even although a part, or the whole of it had been previously modified in money, or although part or the whole tiends had been money tiend ^x. There are two exceptions to this rule. "Where it shall appear necessary. 1. From the state of the tiends and the interest of the benefice," *i. e.* where the whole tiends of a parish are awarded to a minister, they are to be paid either in money or victual according to the mode of their valuation; and, 2. "On account of the articles other than victual which have "been in use to be delivered in kind as stipend:" this relates to the stipends in Orkney and Shetland, where tiends are valued in fish, butter, &c. which could not be converted into victual, and therefore in these islands this rule is often dispensed with.

In former times when augmentations were granted, the vic-

^u Act 48 Geo. III. c. 138, § 1.

^v *Ib.* § 2.

^w *Ib.* § 3, 4, 5.

^x *Ib.* § 8.

tual part was simply ordained to be paid to the minister, who was entitled to receive the *ipsa corpora*. But a new and better mode is now introduced; by which ministers are not to receive any of their stipends in kind; but in money, according to the fiar prices of that description of grain into which the same is modified^y: and former money stipend is also to be converted into grain, and paid according to the rate of the fiars^z.

There is a provision, by which if “no fiars of the kind of grain, modified, are struck in the county where the parish is situated, it is competent to fix upon two or more adjoining counties, or such as shall be deemed most suitable to the circumstances of the case^a,” and appoint the stipend to be paid accordingly. Fiars, it is believed, are now struck in every county in Scotland. It still remains uncertain, whether the rule relating to fiars, can apply where the whole valued tiends of a parish have been modified. In one case, the whole tiends of the parish were given in victual, and made payable between Yule and Candlemas^b. In another, the whole tiends were awarded in money to be paid annually by the county fiars^c. This appointment respecting the payment of victual by the county fiars, only applies where there has been an augmentation; and victual stipends payable in kind before March 1808, must so remain until a new modification be obtained. In like manner, in cases where before that period, the whole tiends had been given, the victual part in future must continue to be drawn in kind.

It had been a practice both before the union, and for some time afterwards to ratify extra-judicial contracts of modification: but now private contracts with heritors are prevented, and collusive practices guarded against by an express statute, which ordains, that in cases of augmentation, the moderator

^y Act 48 Geo. III. c. 138. § 11.

^z *Ib.* § 9.

^a *Ib.* § 10.

^b Minister of Kilmoden *v.* Heritors, 19th Feb. 1812.

^c Minister of Galston *v.* Heritors, 22d June 1814.

and clerk of the presbytery of the bounds, are to be summoned and furnished with a statement of the present stipend, and the addition intended to be craved, and that the presbytery appears as a party ^d. In one case a presbytery interfered, supposing that three chalders, which the minister asked were too little; and collusion being suspected, five chalders were awarded ^e.

A minister, out of the teinds of whose parish, a stipend has been modified to the incumbent of another, is allowed to reclaim them where the funds are not sufficient for his support ^f: And he whose stipend is affected by the claim, is entitled, upon a process for that purpose, to full compensation from the teinds of his own parish ^g. But heritors are not permitted to object to the payment of a minister of another parish, where it has been established by a proper decret and long usage ^h.

Teinds only are affectable by this court in the case of augmentations. Ministers of burghs cannot prevail, although they shew, that the corporation of the burgh possesses sufficient funds, unless they establish that these funds are derived from teinds ⁱ.

Modifications were formerly often given in equal proportions of oat meal and bear (big), at that time the usual crops in Scotland. But of late years, a great deal of barley having been raised, that kind of grain has usually been given in place of bear. Still it is doubtful, if barley should be awarded in those parishes where there is none raised. The decisions on this point are not uniform. In some cases lately decided ^j,

^d Act 48 Geo. III. c. 138. § 17.

^e Minister of Galston and Presbytery of Garioch, *v.* the Heritors, 18th Dec. 1811.

^f Johnston, *v.* the Heritors of St. Cuthberts, 3d March, 1802. Ministers of Broughton and Stobo, 4th March, 1812.

^g Minister of Brechin, *v.* Heritors, 24th Jan. 1810.

^h Heritors of Dornoch, *v.* Lary, 7th Feb. 1720.

ⁱ Ministers of Edinburgh, *v.* Magistrates, 12th Dec. 1764. David Wilkie, 15th Feb. 1793.

^j Monymusk, Fintry, Deer.

barley was given although none was raised in the parish: In others ^k, bear was awarded: But in one of them, upon a reclaiming petition, half a chalders of victual was given for the exchange ^l.

In judging of a case of augmentation, the court were of opinion, that a glebe of an extraordinary value, should be taken in account ^m; in another instance, the majority seemed to think, that if a large portion of land had been designated from the heritors as glebe, it should be taken into consideration; but if it had been given *aliunde* by way of mortification, it ought not ⁿ.

In decreets of modification, vicarage teinds are sometimes noticed. In some cases they are ordered to be paid according to use and wont ^o; but in others, the parish is declared free from the payment of them, and that those formerly paid to the minister, to pertain to the patron and others having a claim to them ^p.

From the depreciation of the value of money, and the want of funds from the valuation of teinds, joined to other causes, many stipends became inadequate to the maintenance of the incumbents. This distress called for the interference of the legislature; and accordingly ten thousand pounds are now annually set apart out of the public revenues, to augment such stipends to the yearly amount of one hundred and fifty pounds sterling. Presbyteries are ordained to give particular reports of the parishes within their bounds, whose stipends do not amount to one hundred and fifty pounds yearly, and whose teinds will not permit any augmentation. When these reports are adjusted and recorded, a certified copy is transmitted to the Barons of Exchequer, who issue precepts to ministers for payment of their augmentations, which is

^k Chapel of Garioch, 23d Nov. 1808. Farland, Jan. 1813

^l Migvie, Jan. 1813. ^m Minister of Old Deer, v. Heritors, 25d Nov. 1808.

ⁿ Minister of Buittle, 22d Nov. 1809. ^o Whitsome, 20th Jan. 1718. Minister of Wick, 18th Feb. 1719.

^p Aberlot, 20th Feb. 1716. Falkland, 7th Feb. 1722.

done half yearly. In cases of death or removal, the Barons, upon the application of the successor, issue a precept in his favour. There are several other regulations, which it is unnecessary to notice, the statute having already generally been carried into effect ^q.

In fixing augmentations, various circumstances occupy the attention of the court. Teinds being the only fund from which they can augment, they first enquire into the extent of the unappropriated teinds, and what remains above the existing stipend. Where the teinds are valued, an augmentation may exhaust, but cannot exceed the valuation. Where they have not been valued, the fifth part of the real rental, is assumed as the teinds of the parish. The court also take into view the extent and population of a parish, the burden of the cure, and the price of living. They also pay respect to the rental, even where the teinds are valued, as affording some proof of the opulence of a parish, and the ability of the heritors to pay an appropriate stipend.

PROCEDURE IN A PROCESS OF AUGMENTATION.

The *Pursuer*, in a process of augmentation, modification and locality, is generally the minister: But a process may be brought at the instance of the titular, or the patron having a right to the teinds. In vacant churches, processes of augmentation have been begun in the name of the moderator of the presbytery and procurator for the church ^r. An assistant and successor to a minister cannot pursue an action of augmentation ^s.

The *Defenders*, who must be called as parties are, the titular or patron having right to the teinds, their tacksmen in possession, the heritors, the officers of state, if the crown be

^q Act 50 Geo. III. c. 84.

^r Coul. 22d July, 1719. Cairney and Botany, 1st June, 1720.

^s Shaw. v. Heritors of Robertson, 19th Jan. 1806. Fac. Coll.

interested, and the moderator and clerk of the presbytery. It is held to be a good objection, that any of the parties interested are not cited ^t.

Actions before the teind court, usually commence by a summons, signed by the clerk of court,—a writ proceeding in the King's name, passing under his signet, and generally executed by a messenger at arms, who returns an execution of the citation. But by a late act of sederunt ^u, it is declared competent in summonses of augmentation, modification, and locality, to cite titulars and tacksmen of the teinds, heritors, and others having interest in the teinds, by giving notice from the precentor's desk, on three consecutive Sundays, before the dismissal of the congregation from the forenoon service, that the minister has raised a summons of augmentation, specifying the day on which it will be called; which must be six weeks, at least, after the date of the first notice. The precentor gives a certificate of these intimations having been made in the presence of two of the parishoners, who subscribe as witnesses. A notice in like terms, must also be affixed to the most patent door of the church, on the day of the first notice from the desk, by a messenger at arms or constable; who returns a certificate of his having done so, subscribed by himself and two witnesses. A similar notice must be inserted three several days, in the Edinburgh Courant, and Edinburgh Advertiser, the first insertion being not less than six weeks before the day of calling the cause.

This mode of citation, and the *induciæ* run, is sufficient, although one or more of the defenders be a pupil, or minor, or out of the kingdom at the time. When it is necessary to call the officers of state for his Majesty's interest, it is to be done in the manner that has hitherto been in use; upon an *induciæ* of six weeks. It is an effectual intimation to the moderator and clerk of the presbytery, that the pursuer himself

^t Bower, 16th July, 1718. ^u Thurso, 8th July, 1721. ⁿ Founded upon § 16. Act 48 Geo. III. c. 138.

write to them, “ stating the amount of his present stipend, “ and the addition he means to crave” ^v, provided that such letters be inserted into the presbytery records, one month before the summons is called in court.

The pursuer must produce, along with the summons, as evidence of the citation, 1. A certificate by the precentor of the parish, and messenger or constable, of the several intimations before explained: 2. The newspapers in which the notices appointed by the act appeared: 3. The execution of citation to the officers of state, if they be parties: And 4. a certificate from the presbytery clerk, that the pursuer had intimated his action by letter to the moderator and clerk; and that his letter had been duly recorded in the presbytery books.

Callings, outgivings, returnings, enrolments, all the rules of procedure after enrolment, till the final decision, properly belong to the agent conducting the process, wherein the minister cannot interfere.

The heritors bear no part of the expense which has been incurred in obtaining an augmentation. This is borne exclusively by the minister.—The heritors must be at the expense of extracting the decret; which must be put into the possession of the minister.

GLEBE.

Glebe is the denomination of that portion of ground which, from the earliest ages of the church, has been assigned to a minister over and above his proper stipend. Upon the appearance of the Reformation in Scotland, the Romish clergy having disposed of the lands, attached to their benefices, in feus and long leases, many of the ministers of the reformed religion, found their parishes without glebes. These alienations were prohibited, and a portion of land allotted to them as a glebe ^w. The allotment consisted of four acres of arable

^v Act 48 Geo. III. c. 153. § 17. ^w Act 1563. c. 72.

land, where it was to be found, most adjacent to the manse; whether the ground was “set in feu, tack, or otherwise”^x. Where arable land was not to be met with, sixteen souns* of grass in lieu of it, were appointed out of the lands situated nearest to the parish church^y. Such is the present state of the law respecting that species of land, termed the arable glebe.

Every description of clergyman is not entitled to an arable glebe. It has long been a settled point, that the minister of a parish situated entirely in the country, has a right to a glebe; but on the other hand, it has also long been ascertained that ministers of royal burghs, who have no country or landward parish, have no right to a glebe. The claims, however, of those ministers of royal burghs, a part of whose parish is landward, were long disputed. But some of the ablest interpreters of our law favoured the legality of their claim; and one of them expressly lays down, “that the ministers even of royal burghs, where any part of the parish lies in the country, have a right to a glebe^z.” These opinions are supported by several early judgments^a; and a later decision seems to have laid the matter at rest^b. By the early practice arable glebes were only awarded out of church lands: but some time afterwards, they were appointed to be given out of “whatever lands lay nearest to the parish church^c.” This ordination was indeed reduced at the restoration; but another soon after made^d, is regarded as keeping the former still in force; and upon this the general practice is founded; many designations of glebes from temporal lands having already occurred, and the competency of doing so being never called in question. Even where there are church-lands in a parish, the minister’s right to the grounds nearest the manse has been

^x Act 1572, c. 48.

^y Act 1606, c. 7.

^z Ersk. B. II. tit. 10. § 59.

^a Rough v. Ker, 22d Jan. 1631. Paterson v. Watson, 17th Dec. 1664.

^b Fullerton v. Richmond, 17th Dec. 1779.

^c Act 1644, c. 31.

^d Act 1663, c. 21.

* A soun of grass is as much ground as will pasture ten sheep or one cow.

so fully discussed and clearly ascertained^e, that the distinction between church and temporal lands in the designation of arable glebes has wholly vanished.—The burden of the glebe does not fall exclusively upon the individual from whose lands the four acres are taken; for he is entitled to a rateable pecuniary compensation from each heritor of the parish, according to his valued rent, under deduction of his own share^f. Though a minister be entitled to insist upon arable land, yet if ground only partially cultivated, be awarded, and no objection made on his part, the heritors are not allowed to object to the designation, provided the legal quantity be not exceeded^g. But where there is no arable land, or at least none fit for designation, the minister, as already observed, receives sixteen souns of grass in lieu of it: And as it is now fully settled, that arable glebes may be given, as well out of temporal as church-lands, so these grounds as a substitute for them, may be awarded from those lands nearest the church^h. In all these designations, there are excepted, “incorporate acres,” i. e. small portions of ground belonging to communities of villages and towns; which must either have houses upon them or be occupied as gardens: and in place of these, ground near the church must be given either from temporal or church-landⁱ. A great deal of dispute has arisen respecting these exceptions^j.—A minister cannot demand a new designation of a glebe which has been incorporated with his benefice, and where he has the legal quantity, either because the soil is bad, or that it is at too great a distance from the manse^k. Where a glebe is below the legal standard, he has a right to insist on its being raised to the legal measure^l: but he has no right to demand a new designation of the *whole* glebe^m.

^e Fac. Coll. 11th June, 1799, Minister of Kingsbarns.

^f 1b.

^g Lamont v. Bennet, 15th July, 1636.

^h Act 1606, c. 7.

ⁱ Act

1663, c. 21.

^j Vide Stair, 25th Jan. 1665, Minister of Dysart v. Watson,

and Fac. Coll. Heritors of Peebles v. Dalgliesh.

^k Forbes, 24th Dec.

1709, Lining v. Baillie.

^l Minister of Lochmaben, Jan. 16, 1813.

^m Haddington, 25th May 1605, Nairn v. Tweedie, Forbes 21.

Besides the arable glebe of four acres of land, or sixteen souns of grass, every minister, except those of royal burghs without landward parishes, are entitled, in addition, to have grass for one horse and two cows ⁿ. This, which is denominated a grass glebe, is more limited than the arable. The two questions upon which this additional designation proceeds, are, whether the grounds to be awarded had ever belonged to the church, or whether they are in a state of pasturage. The first admits of little discussion, depending upon a matter of fact ^o. The other has given rise to considerable altercation and various decisions. In one case, the judgment seemed to turn upon the point, that all lands were designable for a grass glebe, which had not been actually brought into a state of culture ^p. In others, it seemed to be the prevailing opinion, that by arable was not meant what was capable of tillage, but what was constantly in use to be cultivated ^q. But in another more recent case, ground was designed which had once been in a state of arable cultivation, although at the time, and for near 20 years before, it was in a state of pasturage; the designation was rejected ^r. The situation of the grass glebe must, according to the statute ^s, be near the manse. In one case a designation was made adjoining the arable glebe, though it was proved that others appropriate to the purpose lay nearer the church ^t. But where there are no lands fit for designation, “the heritors are to pay the minister twenty pounds Scots (£ 1. 13s. 4d.) in place of the grass for one horse and two cows ^u.” A minister may either accept of the statutory allowance of £ 20 Scots for his grass, or get land set off for that use ^v. Though the pecuniary allowance had been received for double the period of the long pre-

ⁿ Act 1565, c. 21.

^o 31st Jan. 1817, Wilson.

^p Foun-

tainhall, 31st Jan. 1712, Steel.

^q 27th July 1748, Steel *v.* Dalrymple,

Kilkerran. Fac. Coll. 18th May, 1809, Minister of Panbride *v.* Maule.

^r Robertson *v.* Paton, 12th June, 1812.

^s Act 1665, c. 21.

^t Minister of Abdie, 6th March, 24th May, 1710.

^u Act 1663, c. 21.

^v Minister of Lochmaben, 31st Jan. 1712, Steel.

scription, yet as the rights of the benefice ought not to suffer by the impropriety of a present incumbent, it does not prevent a successor in office from obtaining a grass glebe ^w. But where a minister has made an agreement with two heritors, accepting the allowance, which had been sanctioned by the presbytery, this will prevent all future claim, even by his successors in the benefice, to a grass glebe ^x. The pecuniary allowance in place of a grass glebe, cannot be increased ^y. It seems still matter of doubt, whether the £20 Scots can be claimed where there are no church-lands within the parish. The clause in the statute, “if there be no kirk-lands lying near the minister’s manse,” admits a two-fold interpretation; and may either allude to the case, where there may be church-lands in a parish, but these at a distance from the manse, or where there are no church-lands within the parish. The possession of an arable glebe, larger than the statutory measure of four acres, does not cut off a claim to a grass glebe ^z. This is now fully determined ^a. The relief in the case of grass glebes can only be obtained from proprietors of lands formerly belonging to the church ^b: And the nearest possessor of such lands is liable *prima instantia*, with relief to him from the other heritors of kirk-lands ^c. In disputes respecting the order in which church-lands were liable to be designed, it has been determined, that the lands of abbots, priors, or bishops, must be taken before those of chaplains; and that

^w Fac. Coll. 9th Feb. 1804, *Lawrie v. Halket*. Minister of Abdie *ut supra*. Affirmed on appeal, 6th July, 1814.

^x Fac. Coll. 9th July, 1807, *Minister of Dollar v. Duke of Argyle*.

^y Fac. Coll. *Carfrae v. Heritors of Dunbar*.

^z Feb. 8, 1734, *Beatson v. Dallas*.

^a Fac. Coll. *Dundas and others v. Somerville*, 6th Dec. 1805; *Bethune v. Small*, 2d Feb. 1811.

^b *Laidlaw v. Elliot*, 2d Dec. 1800.

^c Fac. Coll. 12th Dec. 1755, *Durie & Black v. Thomson*. This judgment is in some degree hostile to the claim of a minister, where there are no church-lands, to the pecuniary allowance.

the nearest of its own kind, should be designed before the more remote, and not otherwise ^d.

After the designation of a glebe by the presbytery no operations ought to be carried on, which may either tend to make the court set the designation aside, or defeat or injure the minister's claim ^e. When the determination for a grass glebe depends upon the fact, whether the grounds are in a state of pasture or of culture, no cultivation by the proprietor, after the decision of the presbytery, will hurt the pursuer's claim, even the erection of houses after designation, will not prevent the judgment from being carried into effect ^f. A minister has a claim of compensation when the designation of a glebe has been long contested, and the decision is in his favour ^g. Where a parish has been suppressed and united to another, the minister of the united church, is entitled to the glebes of both, if nothing be said in the decree of suppression and annexation respecting the glebe ^h. Where a glebe has been destroyed or impaired by any extraordinary occurrence, the minister will have a claim of indemnification at common law ⁱ. Where a minister has legally acquired a glebe, it becomes incorporated with the benefice, subject to the uses of the present incumbent and his successors in office, and there exists no ground of distinction between the different kinds of glebes as to the minister's right. Glebes being embodied with the benefice, cannot be alienated by the incumbent, nor set off in feus and long leases ^j; and indeed it is well understood, that a minister cannot grant a lease of his glebe longer than his own incumbency. Where a church has been transported to

^d Durie, 15th July 1636, Halyburton *v.* Paterson.

^e *Pendente lite nihil innovandum.* ^f 6th Jan. 1594, Cunningham.

^g Minister of Dunfermline *v.* Heritors, 8th July 1813. In this case, L. 17-10s. per annum were awarded from 1804 to the ultimate decision of the House of Lords in 1813.

^h Ersk. B. II. tit. 10. § 61.

ⁱ Connel on Parishes, 424.

^j 9th Nov. 1736, Mackie *v.* Neill, Fac. Coll.; 14th May 1791, Minister of Little Dunkeld *v.* the Heritors.

another part of the parish, the old glebe may be exchanged for ground more commodious. Excambions are often sustained, where it appears for the interest of the benefice, and has been sanctioned by the presbytery, where neither a union of parishes, nor transportations of churches have taken place ^k. Where a minister has conveyed his glebe to a titular for an annual compensation, if the deed be irrecoverable on account of prescription, a successor in office is entitled to a new glebe ^l. The question, whether a minister might appropriate to himself the trees growing upon his glebe, is now decided in the affirmative. ^m. He may dispose of the earths and minerals under his glebe, for the behoof of himself and successors, at the sight of the presbytery and heritors ⁿ. But he cannot make kelp from the sea ware thrown upon his glebe ^o. Glebes are exempted from tithes ^p.

The right of a minister to his glebe commences with his induction to the benefice, and ceases upon his death, translation, deprivation, or resignation. But if a minister's glebe shall have been sown before his death, his executors will be entitled to reap the crop ^q. And upon the same principle, if the crop shall have been sown *bona fide*, before the minister's translation or deprivation, he will be entitled to reap the crop himself. There is no Ann due upon the glebe ^r. A minister is not liable for meliorations made on a glebe by his predecessor in office ^s.

By early statutes, "ministers have freedom of foggage, pasturage, feuel, feal, divot, loaning, and free ish and entry according to use and wont ^t." Formerly these rights were

^k 22d Dec. 1810, *Innes v. Lochalshe, &c.*

^l Fac. Coll. 16th May 1799, *Logan and others v. Reid, &c.*

^m 1790, *Heritors of Humbie v. Minister of Humbie.*

ⁿ Maderty, 13th Nov. 1794, Fac. Coll.; *Minister of Newton v. Heritors*, 3d June, 1807.

^o Fac. Coll. *Lord Reay v. Falconer*, 14th Nov. 1781.

^p Act 1621, c. 10.

^q *Stair*, 6th July 1665, *Colvil.*

^r *Stair*, 6th July, 1665, *Colvil.*

^s 14th June 1623, *Dunbars v. Hays.*

Act 1593, c. 165. ratified by 1663, c. 21.

sustained independently of usage ^u; but of late years, they have been grounded upon the limitations of the statute, and found valid only where they had been exercised from time immemorial, or at least for the period of prescription. A presbytery cannot design feuel out of a moss over which the predecessors of a minister had not formerly exercised that servitude ^v. The extent of a minister's privileges under statute 1663, c. 21. must always depend on the state of possession ^w.

Mode of the designation of a Glebe.—In the earlier periods, the designation of glebes was vested either in the dignitaries of the church, archbishops or bishops, or in presbyteries, according as episcopacy or presbyterianism was the established form of worship: And when the latter was established at the revolution, the power of designation was finally vested in presbyteries.

When a minister wants a glebe, he applies by petition to the presbytery, requesting a visitation, and a decerniture for it, the presbytery appoint a visitation on a given day, and enjoin edictal intimation to be made from the pulpit. Upon the day appointed, the presbytery attend on the spot, where there are generally present some of the heritors or their agents. If the petition be for an arable glebe, the minister is entitled to insist, that the land be arable; and should any dispute arise about the nature of the ground, the assistance of a person of skill is to be called for, and the legal quantity of ground must also be accurately ascertained, the presbytery then considers the petition of the minister, with the representation of the heritors, and decides accordingly. The clause in the statute ^x, that “two or three of the most discreet men of the parish be present to assist the presbytery,” must in substance be always attended to; but in the letter, it has now gone out of ob-

^u Haddington, 25th May 1605, *Nairne v. Tweedie*.

^v *Duff v. Chalmers*, 28th Feb. 1763, *Fac. Coll.*

^w *Dymock v. Duke of Montrose*, 25th Feb. 1779, *Fac. Coll.*

^x Act 1663, c. 21.

servance in the designation of glebes; it being thought sufficient that the persons employed by presbyteries to assist them in the designation (whether parishioners or not) should be persons of skill and integrity.

Presbyteries however, have no power to enforce their own decrees in their designation of glebes. It is ordained ^y, that where the decrees of the church courts are contemned, it is competent to apply to the Court of Session, who are authorised to issue letters of horning to enforce the decrees, upon a charge of ten days. At present they are issued without any special cognizance of the case, though still under the authority of the Court of Session. The decree of presbytery is presented at the bill-chamber, along with a bill or petition to the Lords of Session, craving letters of horning upon it. A warrant to the signet to prepare, and to the keeper of the signet, to issue the letters of horning.

But the judgment of presbyteries, in relation to glebes may be brought under review of the Court of Session at the instance either of the minister or of the heritors. The forms of process are similar to those adopted in carrying to that court, the judgments of inferior civil judicatories.

KIRK AND KIRK-YARD.

From a very early period the heritors of a parish were bound to provide stipends, manses, and glebes for the established clergy. But there were other burdens which by statute were laid on all the parishioners. The upholding and repairing of churches were consigned to the minister and people; two-thirds of the expenses to be paid by the parishioners, and the other by the parson ^z. By other statutes the parishioners were appointed to build and repair the kirk-yard dyke ^a, and to provide basons, and lavers, for the administration of the sacrament of baptism, and cups, tables, and table-cloths for

^y Act 1593, c. 21.

^z Act 1572, c. 54.

^a Act 1592, c. 232.

that of the Lord's supper ^b. But these burdens, by long custom, have been transferred from the parishioners at large, to the land-holders or heritors ^c.

The building and upholding of the parish church is now laid upon the heritors by a decision of the house of lords, which states, that the building of a church, being a parochial duty, the expenses ought to be defrayed by all the owners of lands and houses, in proportion to their real rents ^d. The superior is not liable in any part of the expense of building or repairing the church ^e; and the titular of the teinds is liable only in proportion to his valuation ^f. Lands which are annexed to a parish *quoad sacra santum*, are liable in the expense of building and upholding the church to which they are united ^g.

The nature and extent of the edifice must undergo the revisal and judgment of the presbytery of the bounds, and receive their approbation; but under the review of the court of session ^h. The plan, indeed, of the church may be concerted among the heritors themselves, without the intervention of the presbytery. In regard to the size of the church, it has been laid down as a rule to be observed in all cases, that the church must be capable of containing two-thirds of the examinable persons in the parish, not under twelve years of age ⁱ. Heritors have choice of a place in the church according to the valuation of their several estates, and each heritor must have a seat in the church for his family, distinct from the share of area allotted to his tenants; but in dividing the whole area of the church, that of each heritor's seat must be

^b Act 1617. c. 6.

^c Ersk. B. II. tit. 10. § 63.

^d Parish of Peterhead, June 24, 1802.

^e Fac. Coll. 25d Jan. 1773, Bruce of Carstairs. Ib. 20, 1794, Murray.

^f Parish of Selkirk, Feb. 9, 1738.

^g Fac. Coll. 2d Feb. 1775, Drummond v. Heritors of Monzie, Monedie, and Crief.

^h Buchanan, 7th July, 1762; Ednam, 11th Jan. 1750.

ⁱ Fac. Coll. 22d June 1787, Heritors of Tingwall.

taken *in computo*, in making up his share, corresponding to his valued rent ^j.

Each parish must also have a sufficient quantity of land allotted to it for burying its dead. Where an enlargement of the church-yard is necessary, it must be furnished by the proprietor of ground proper for the purpose, who has relief from the other heritors, in proportion to the number of examinable persons residing upon their estates; and (if the parish be only partly landward) by the community, in proportion to the number of its inhabitants, respectively ^k.

The church-yard wall is particularly ordered to be built of stone and mortar, to the height of two ells, and provided with sufficient styles and entries ^l. This, by long custom, like the expense of repairing the church, now rests on the heritors. No minister has a right to pasture the church-yard; but he may cut the grass upon it, and prevent others from doing so ^m. By an old statute, markets or fairs are prohibited in church-yards, under the penalty of forfeiture of the goods ⁿ.

MANSE.

By the law of Scotland, ministers were entitled to a house, in our language, denominated a manse, from a very early period. At the dawn of the reformation, the popish clergy, having let their manses, as they did their glebes, in feus and long leases, few of the reformed clergy had houses to receive them. When, therefore, a parish church was found thus unprovided, the heritors were appointed to build a manse at the sight of the bishop, aided by some of the most knowing and discreet men of the parish ^o. Upon the abolition of episcopacy and establishment of presbyterial church government at the revolution, nothing was said respecting manses, or the power of

^j Earl of Marchmont *v.* Earl of Hume, Dec. 17, 1776.

^k Town of Greenock *v.* Shaw Stuart, July 5, 1777.

^l Act 1597, c. 232.

^m Hay *v.* Williamson, Dec. 1778.

ⁿ Act 1579, c. 70.

^o Act 1649, c. 45. revived by 1663, c. 21.

superintending them. But it was understood that the superintendence conferred on bishops, devolved upon presbyteries ^p.

The right to a manse, as to a glebe, is not extended indiscriminately to all the Scottish clergy. Ministers whose parishes are wholly landward or in the country, are entitled to a manse. Those, on the contrary, whose parish is wholly contained within a royal burgh, have no claim upon heritors for a house. But whether a minister of a royal burgh, whose parish is partly landward, has a right, has long been disputed, and seems not yet fully settled. In some cases, the claims of ministers of this description to manses, were refused ^q. In others the decisions were more favourable ^r. In one instance where the presbytery had designed a manse to the minister, the designation was sanctioned ^s. This judgment, was carried by appeal to the house of lords, and after a full discussion, affirmed ^t. In cases where ministers of royal burghs with landward parishes, have been refused manses, a claim of manse rent has been received ^u. Such is the state of the law, with respect to clergymen of this description; for manses where there is only one minister; but there is no instance on record, where a manse was granted to a second minister of a royal burgh with a landward parish; but several where the claim was rejected ^v.

Upon the extent of manses the early enactments state, that where they are not already built, each minister shall have a reasonable and sufficient house provided to him ^w; the sum allowed did not originally exceed one thousand pounds

^p *Potter v. Ure.*

^q *Heritors of Elgin v. Troop*, 28th Feb. 1769; *Nisbet v. Magistrates of Montrose*, Jan. 20, 1779.

^r *Dobie v. Earl of Roseberry*, 5th March, 21st May 1802.

^s *Fac. Coll.* 10th Nov. 1805, *Maclean v. his Heritors.*

^t 9th March 1812.

^u *Fac. Coll.* *Mutter v. Earl of Selkirk*, 21st June 1786.

^v *Adamson v. Paxton*, 14th Feb. 1816.

^w Act 1567, c. 72.

Scots *, nor ever under one hundred merks †^x. At the period of these statutory appointments, the sums awarded might be sufficient to build a suitable residence; but from the depreciation of the value of money and other causes, they have been found inadequate; and therefore it has been the practice to grant ministers a “reasonable and sufficient house,” without being limited by the maximum; and even to allow to the amount of one thousand pounds sterling^y. The claims of ministers are so extended as to include a stable, barn, byre, with a garden^z; and these accommodations have been uniformly given for a number of years past, with several smaller offices.—The extent of the edifice, the number and size of its apartments, and the dimensions of the offices, must in a great measure depend upon local circumstances; and therefore no legal rule has been laid down. The improvement that has taken place in dwelling houses with various other obvious reasons, are rightly considered, in the regulations concerning manses.—For the garden and site of the manse and offices, it is usual to allow half an acre of ground^a; and a minister has a claim of designation by the presbytery to what is wanting of that quantity^b. The judgments are various respecting the enclosure to which a minister is entitled for his garden. In some cases, he was found entitled to a wall built with stone and lime^c; in others, only to a dry stone dyke^d; and in others to a wall five feet high exclusive of copping, built dry in the middle, teathed with lime on both sides, and copped with a mixture of lime and small stones^e.

The situation of the manse, by early statutes, is appointed to be chosen near the church^f: And this has uniformly been observed in fixing the site of manses. In one case it was

* Act 1649. c. 45. renewed by 1663. c. 21.

^y Gardner *v.* Dingwall, 9th July, 1816.

^z Ersk. B. II. tit. 10. § 57.

^a *Ib.* ^b Anderson, Nov. 1791.

^c Linlithgow, Dalmeny.

^d Botriphine, 3d July, 1805.

^e Edzel-Kirkconnel, Duke of Queensberry *v.* Richardson, 3d Dec. 1808.

^f Acts 1565. c. 72, 1572. c. 48.

* L. 83. 6s. 8d. Sterling.

† L. 27 15s. 6d. Sterling.

found, that a minister was entitled to choose the most convenient situation near the church^g. A dispute arising on this point, the presbytery, in the first instance, and, ultimately, the court of session, have the power of determination. By some old statutes, the site of a manse was appointed to be on the kirk-lands nearest the church, with relief to the heritor out of whose grounds the allotment was made^h. By a later statuteⁱ, the sites of manses, as well as glebes, were ordered to be designed out of temporal lands, when there was no church lands: Though this was rescinded at the restoration, yet a still later appointment^j is considered by our lawyers, as holding the rescinded act still in force, and extending the designation of the site of manses, as well as glebes, to any lands that were most commodious, and nearest the parish church.

It is often a subject of difference between a minister and his heritors, whether a manse should be rebuilt or only repaired; which is in general thus settled by the court: Where the old manse admits of repair, a new one is seldom sanctioned; and, on the other hand, where the fabric has become ruinous, repairs are generally refused. Where the old manse happens to be in such a dubious state, as to render it difficult to determine which ought to be adopted, the case is generally remitted to one or more architects to report their opinion before a decision takes place; and the judgment is in general agreeable to the terms of the report^k. Every new incumbent is entitled to have his manse put into such a state of repair as to render it a comfortable residence. Where it requires repair, and is at the same time too small, suitable additions, as well as repairs, are given^l.

^g 51 Jan. 1712, Steel.

^h Act 1592. c. 202.

ⁱ 1644. c. 31.

^j Act 1663. c. 21.

^k Kirkliston, 25th June, 1808, Hogg and others, *v.* Ritchie. Saddle and Skipness, 17th Dec. 1811. Dunichen, Dec. 5, 1813, Dempster, *v.* Headrick.

^l Kirkliston, *ut Supra.* Anworth, 5th March, 1812.

By several statutes ^m it is ordained, that where manses are built or repaired, they are to be afterwards upheld by the incumbent ministers during their possession. Before the burden of upholding a manse, after being built or repaired, can be thrown upon an incumbent, it is required in practice, that the manse shall be inspected by the presbytery, and declared a *free manse* ⁿ. From the severe legal effects consequent upon the interpretation of the plea of heritors respecting this form, it is always strictly attended to. In a case, where the manse was in a state of great disrepair, the presbytery decreed for repairs; but the heritors gave a new manse in 1777, and they were assoilzied from the decret of repairs, and even thanked by the presbytery for the accommodations afforded the incumbent and his successors: The manse again became ruinous in 1804, the presbytery again granted repairs, which being brought under review of the court of session, they, as the manse had not been declared *free*, affirmed the sentence of the presbytery ^o. The same judgment was repeatedly given in another case; which being appealed to the house of lords, was affirmed ^p. It was on this occasion distinctly stated, that the burden of upholding a manse could only be laid upon an incumbent; after it was declared a *free manse* by the presbytery, which exempts heritors from all future repairs, except those that are rendered necessary by the waste of time. Where a manse has been properly built, the heritors have a right to insist, that the presbytery declare it *free*, though it had not been erected under their inspection ^q. Where the heritors have neglected to fulfil their obligations of repairs, and they have been executed by the minister himself, he or his executors are entitled to re-embursement ^r. When a manse

^m Act 1665. c. 21.

ⁿ For the form of declaring a manse free, vide Ersk. B. II. tit. 10. § 58.

^o Bolriphnie, 14th May, 3d July, 1805.

^p Avondale, 6th Dec. 1810, & 13th July, 1815.

^q Fac. Coll. 21st Feb. 1786, Heritors of Cairney, v. Presbytery of Strathbogie.

^r Stair, 8th Jan. 1670. Charteris, v. Parishoners of Currie, Dirleton, 6th July 1676. Blair, v. Fowler.

has become uninhabitable, during the rebuilding of a new one, a minister has a claim either to a suitable house, or such annual allowance, as will enable him to procure a commodious residence ^s. The sum for this purpose, must depend upon the accommodation requisite for a minister's family, and the rent of houses in the particular part of the country. A presbytery cannot decern for manse rent;—the process must be an action before the civil court.

Mode of the designation of a Manse.—When there is no manse, or it has become ruinous, the minister applies to the presbytery by petition, craving a visitation and a decree for a new manse. The presbytery appoint a visitation, order proper intimation thereof to be made, as in the case of Glebes, attend on the spot upon the appointed day, where either some of the heritors or their agents are present. Where an old manse is complained of as ruinous, the tradesmen appointed to inspect it are put upon oath, and required to say, whether a new manse has become necessary or not. If they report that a new manse is necessary, the presbytery procure plans and estimates, contract with a builder, proportion the total expense of the building upon the heritors, decern against each for the sum respectively due by him, and appoint a collector to uplift the money. If there have been no manse before, the presbytery proceed in a similar manner, to provide for one being built; and also in repairs. This mode of proceeding has been approved of by the court of session ^t, and they have found, that presbyteries ^u may proceed to the designation of a manse, though the heritors either do not appear before them, or withdraw their appearance; that presbyteries may fix the situation of a manse; and that the clause ^v requiring men of skill and integrity to assist the presbytery, cannot be dispensed with.

The rest of the procedure in the designation of manses, is precisely the same with that of glebes,—*quod vide*.

^s Fountainhall, 31st Jan. 1712. Steel.

^t Lochmaben, 31st Jan. 1712.

^u Ibid.

^v Act 1663. c. 21.

MARRIAGE.

Marriage is a union of man and woman for life, for the purpose of living in family, and procreating and rearing children. It is a civil contract constituted by mutual consent, which must be *real*, not nominal. A regular marriage must be celebrated by a clergyman under the usual solemnities; in which two things are essentially requisite by our law:—*Publication of banns*, a ceremony originally intended to prevent improper marriages; by which all persons are invited to appear and state any objection to the proposed union. This must be done three several Sundays before divine service, in the parish churches where the parties reside, and before the marriage takes place. The parties must afterwards *appear* before a clergyman to express their consent, to enter into the nuptial vow, and receive his matrimonial benediction.

Every marriage made contrary to these rules is irregular, and denominated clandestine. By an act of the general assembly ^w, no banns can be regularly published, except by express orders given by the minister of the parish to the clerk. By a statute of Queen Ann ^x, the clergy, regular or episcopal, are specially authorised to marry, provided banns are published in the parish church, as well as in the episcopal chapel.

Penalties are annexed by several statutes to clandestine marriages. By one statute ^y, penalties are ordained to be levied on the parties and the celebrator. The minister is liable to be banished the kingdom; never to return under pain of death: The parties are subjected to three months imprisonment, besides payment of certain arbitrary fines, proportioned to their respective ranks in life. By a later statute ^z, witnesses are subject to a fine of L. 100 Scots each;

^w Vide Acts of Assembly, Marriage, 6.

^x Act 10 Anne, c. 7.

^y Act 1661. c. 34.

^z Act 1698. c. 6.

or to corporal punishment when insolvent, if they refuse to disclose the name of the parties. But in this case, if they pay the fine, they are not liable for other punishments. This is also the case with respect to the principals.

A certificate must be produced from the session clerk. In a case ^a, it was found, that no action of damages can lie against a clerk for a false certificate; but deprivation and prosecution before the criminal courts in Scotland at common law for the crime of falsehood. There however, it was declared, that if they pay the fine, they are not liable in any other punishment. But no certificate however, knowing it to be false, can save the parties from the penalties.

The penalties were directed to be applied to pious uses. The right of prosecuting was claimed by the kirk-session, though it belongs to the procurator for the church ^b. The minister generally gives a certificate of the celebration of the marriage; but for this there is no absolute necessity. The marriage, in most cases at least, may be proved by the oath of the minister and the two witnesses. In one case ^c, proof of the celebration of the marriage, was allowed after the death of one of the parties. But these penal statutes, though they impose fines upon clandestine marriages, do not affect their validity.

MINISTERS.

After the reformation great care was taken to prevent any scandal from being thrown upon the new religion by the lives of the clergy, to keep the church pure in its pastors, and guard their persons from external violence. Some early statutes prohibit irregularities in ministers under severe penalties. By these it is declared, that ministers, who are guilty of heresy, or erroneous doctrine, blasphemy, fornication, com-

^a Ramsey v. Brown, 18th Feb. 1779, N. R.

^b Kirk-session of Dundee v. Hackney, 14th Nov. 1761.

^c M'Turk v. Martha Dykes, 18th Nov. 1789, N. R.

mon drunkenness, plurality of benefices, simony, and non-residence, are liable in deposition: And non-residence is declared to be a minister's absenting himself from his parish, without leave asked and obtained, for four sundays in the year, without lawful cause or hindrance: And that ministers who shall be regularly convicted of a capital crime, and for which they are deprived of their function by an ecclesiastical court, shall lose their benefice^d. By a later enactment, it is stated, that ministers who swear and drink to excess are to be fined in one fifth of their benefices^e. Ministers are incapable of engaging in any civil office: They are prohibited from being judges, either in a civil or criminal court, commissaries, advocates, clerks in any court, or notaries, except in the making of testaments, under the same penalty, that of deposition^f.

Whoever assaults or lays violent hands on a minister, or commands or directs others to do so, for demanding his stipend, or in the discharge of his duty, or for any other cause than by order of law, is to be punished by forfeiture of moveables; one half to the king, the other to the party offended^g. This is extended to all ministers whatever, who have power by lawful warrant, to preach and administer the sacraments^h.

Every minister and preacher is ordered to wear black, or grave apparel, or such as becomes their state and professionⁱ: And that ministers may not lose their books during their life-time it is declared, that they are not to fall under the exequtry of their predeceasing wives^j.

Every minister must take the oaths to government; and subscribe the confession of faith, declaring it to be the confession of his faith, and that he owns the doctrine therein contained, to be the true doctrine of the church to which he will constantly adhere; and that he acknowledges presbyteri-

^d Acts 1585, c. 132. and 1587, c. 32.

^e Act 1661, c. 58.

^f Act 1584, c. 155.

^g Act 1587, c. 27.

^h Act 1665, c. 7.

ⁱ Act 1609, c. 8.

^j Act 1661, c. 19.

an church government, to be the only government of this church, and that he will submit thereto, and concur therewith, and never directly or indirectly endeavour the prejudice or subversion thereof^k. Every minister and preacher must during divine service, pray in express words for the king and royal family, under the penalty of £20 sterling, for the first offence, half to the informer, and half to the poor of the parish; and for the second offence, he is declared incapable of officiating for three years: This is extended to all clergymen and preachers of the episcopal communion; and it is declared, that any person present twice in the year, in any chapel where the royal family are not properly prayed for, for the first offence forfeits £5. sterling, half to the king, half to the informer, and may be imprisoned for six months, unless the forfeiture is sooner paid; and for any subsequent offence, he may be imprisoned two years from the date of the conviction^l.

The widows and children of ministers and of the heads, principals, and masters of the universities of Scotland having often been left in indigent circumstances, and the charitable designs for their relief having proved ineffectual, a statute was passed, ordaining them to pay out of their stipends or salaries, at their option, some one of these rates, £2. 12s. 6d.; £3. 18s. 6d.; £5. 5s.; £6. 11s. 6d. sterling, to be applied for life-rent annuities to their respective widows, amounting to the following sums of £10, £15, £20, £25, sterling, in proportion to such of the above annual rates as they respectively choose: And to make provision respectively for their children, amounting to the sums of £100, £150, £200, £250, sterling, in like proportion, provided the minister or other contributor leave no widow^m. But from the decrease of the value of money, expense of living, and other causes this ordination was found defective, and therefore another was made to amend and render it more effectual. The former annual

^k Act 1693, c. 22.

^m 19 Geo. III. c. 20.

^l 10 Anne. c. 6.; 32 Geo. III. c. 65.

rates are now raised to £3. 3s. £4. 14s. 6d. £6. 6s. £7. 17s. 6d.; and ministers and other contributors may either accede to the increased rates, or they may decline them, in which last case their widows and children receive no benefit from the new appointment. A minister must make his choice of the rate of contribution, or be deemed to have made his election of the increased rate of £4. 14s. 6d., which he must pay during life. Every minister upon his marriage, or being forty years of age before his admission, must pay twenty per cent. on the above sums; and as the greater part of the contributors have entered into a subscription to raise an additional sum for the fund, every person admitted to a benefice must pay ten per cent. by way of fine or contribution, as the average of the original subscriptions by contributors, by two instalments with the two first payments of his annual rate, bearing interest, and payable as the annual rate. These rates are privileged debts, or preferable to all other debts, not only on the benefices, but the personal estates of the contributors. The produce of vacant stipends, the unappropriated balance of the annual sum of £10,000. allowed for augmenting parochial stipends in particular cases, and a donation from the bishops' rents, are appropriated for the increase of the widows fund. These with the original subscriptions of contributors and the fines of ministers on their first admission, with the interest of each, are to form a fund to be lent out, and after six years accumulation an addition is to be fixed to the annuities of widows. Where there is no widow, the child or children under eighteen years, are entitled to the annuity of a widow, which is to be drawn till the youngest child is eighteen years complete. The excess from the fund being liable to variation in different years, the trustees fix the average of what is paid to the widows and children from time to timeⁿ.

ⁿ Act 54 Geo. III. c. 169.

OATHS.

The oaths, which all persons in offices of public trust are required to take and subscribe are, the oaths of allegiance ^o, promising fidelity to the reigning family; abjuration ^p, denying the right of the pretender or his descendents to the throne; and assurance ^q, asserting the right of the reigning family to the throne. The oath of allegiance and assurance were early imposed ^r, but the oath of abjuration was introduced in the reign of Queen Ann ^s.

The oath of allegiance must be taken and the assurance subscribed by all persons in offices of public trust, civil, ecclesiastical, and military: and among the variety of persons mentioned as falling under this general description are all ministers and preachers of the gospel whatsoever, and all clerks in church judicatories, and precentors, and all heritors voting in the calling of ministers, and all others whatsoever giving voice in the calling of ministers at their meeting for that purpose ^t. Every candidate for the church is appointed, before obtaining license, to take the oaths to government, and be furnished with a certificate thereof, under the penalty of incapacity to hold a benefice ^u. And all persons are prohibited from entering into the church, or continuing therein, except they have qualified to government ^x. There is also a prohibition on principals, professors, regents, masters, or other office-bearers in universities, or teachers of public schools from being admitted or continued in their functions, without taking the above oaths ^y. This is extended also to masters and teachers of private schools, chaplains, tutors, and governors of youth ^z.

All patrons must take the oaths to government; and they

^o Act 1 Geo. I. c. 13. § 3.

^p Act 6 Geo. III. c. 58. § 1.

^q Ib. 6 Geo. III. c. 58. § 1.

^r Act 1693, c. 6.

^s Act 6 Anne, c. 14.

^t Act 1693, c. 6.

^u Act 5 Geo. I. c. 20.

^x Act 1693, c. 22.

^y Act 1690, c. 17.

^z Act 19 Geo. II. c. 39.

who have not taken the oaths appointed to be taken by persons in public trust, must take the same at signing the presentation to a church, otherwise the presentation is void, and the right for that *vice* devolves upon the crown ^a.

All Episcopal clergymen are forbidden to officiate in any chapel or meeting house in Scotland without qualifying themselves according to law; and a person so officiating, for the first offence forfeits twenty pounds sterling, half to the informer, and half to the poor of the parish; for a subsequent offence, he is declared incapable of officiating for three years. All who resort to places of worship where these unqualified ministers officiate are declared liable to punishment ^b.

PARISHES.

The institution of parishes was originally ecclesiastical; and their union and division were exercised by the Bishops in Scotland. After the Reformation this power was not claimed by the ministers of the new religion, but was exercised by the legislature. Some cases, indeed, occur in which the church interfered; but in every instance an act of parliament was deemed necessary to give validity to the measure. In the reign of King James VI. a commission of parliament was appointed for new modelling parishes ^c. This commission was renewed from time to time, with power to plant churches where they were wanted, to disjoin them when requisite, and to unite them when circumstances rendered it necessary. At the union, the powers of these commissions were transferred to the judges of the Court of Session, who were declared perpetual commissioners; with this express limitation, that no disjunction take place, no erection effected, nor any church removed from its ancient situation, without the consent of three fourths of the heritors, as ascertained, not by number of votes,

^a Act 10 Anne, c. 14.

^b Acts 19 Geo. II. c. 38.; 21 Geo. II. c. 34.; 52 Geo. III. c. 34.

^c Act 1617, c. 3.

but by the extent of their annual rents within the parish^d. In consequence of this the Court of Tiends have been in use to exercise the various branches of this statutory ordination.

The disjunction of too large parishes, and the necessary consequence, erecting new ones, and building new churches, always proceed upon these grounds; that the extent and population of a parish is such, as to put it out of the power of any one man properly to discharge the parochial duties of it^e: that the tiends are sufficient to afford competent stipends to the ministers^f; and that the proposed disjunction have the approbation of the church courts, especially the presbytery of the bounds, which indeed, with the procurator for the church, is often pursuer^g. If the disjunction be found expedient, a stipend is modified for the new parish, a church is appointed to be built at the sight of the presbytery, and a recommendation given to them to design a manse, glebe, &c. to the minister^h. The patronage of the new erection, falls to the patron of the old parishⁱ.

Church courts have sometimes exercised the power of disjoining large parishes: and an eminent lawyer states, that presbyteries may erect new churches in “burghs, and even in “country parishes, where the tiends are exhausted: but to “these the Court of Tiends cannot decree a stipend, however “expedient and necessary the erection may be^j.”

Upon the same principle is the case of second ministers, who have been appointed without the intervention of the court of tiends; and even where the court had interfered, and sanctioned them. There are indeed a few cases, where modifications have been granted out of tiends^k to second ministers

^d Act 1707, c. 9.

^e Yell & Fetler, 9th Feb. 1709. ; Polmont 22d July, 1724.

^f Island of Lewis, 19th Dec. 1722.

^g Durness, 15th July 1724.

^h Polmont *ut supra*.

ⁱ In the case of Whitburn, the patronage was vested in the parish of Livingston by the House of Peers, Whitburn, 1762.

^j Ersk. B. II. tit. 5. § 23.

^k Old Machar (old Aberdeen), 12th Dec. 1716. ; Culross, 24th Jan. 1722.

established by church courts, and to those particularly appointed, or sanctioned by the court of teinds. But there is no instance of modifications of stipend to a second minister of a parish wholly landward, nor to one of a burgh where no part of the parish was landward; and in those second ministers of burghs, who had also landward parishes, the heritors either expressly consented, or did not oppose, or there was the intervention of some specialty ^l.

Another part of the enactment is the “dismembering of parishes;” which evidently alludes to the disjoining of lands from one parish and annexing them to another. In this branch few instances occur in which particular portions of land were annexed *quoad omnia* ^m; which renders the lands annexed liable in future augmentations of stipend, and other burdens to the parish to which they are united. The general practice is making disjunctions of lands *quoad sacra tantum*. Church courts have sometimes exercised a power of this kind, without either the concurrence or authority of the court of teinds ⁿ. Lands and inhabitants thus annexed, are connected with the new parish only in religious matters, and in upholding the fabric of the church to which they are annexed ^o; but they are free from other parochial burdens; as a new manse, augmentations of stipend ^p, and the maintenance of the poor in the new parish ^q: but they continue liable to these burdens in the parish from which they were dismembered ^r.

A third branch of the statute is the “transporting of

^l Old Machar (old Aberdeen), 12th Dec. 1716.; Culross, 24th Jan. 1722. *ut supra*.

^m Aberlot & Carmylie, 5th July, 1797.

ⁿ Fac. Coll. Nov. 17. 1808.; Thomson *v.* Pollock.

^o Fac. Coll. 2d Feb. 1773, Drummond *v.* Heritors of Monzie, Monedic, and Crieff.

^p Falconer, 13th July, 1748, Park *v.* Maxwell; Fac. Coll. 22d July, 1772, Knox *v.* Hunter and others.

^q Fac. Coll. 17, 1808, Thomson *v.* Pollock, *ut supra*.

^r Drummond *v.* Heritors of Monzie, &c. *ut supra*.

“churches,” *i. e.* changing the situation of churches, where from circumstances, the old situation was found inconvenient. In cases of this kind, the presbytery is generally a concurring party^s, and in the decision for a new church, the size and plan of the building, undergo the review and judgment of the presbytery, and receive their approbation^t; and they are recommended to design a new manse, glebe, &c. to the minister in an appropriate situation^u. The former manse and glebe are generally sold or exchanged, and the church-yard or burying ground is for the most retained^v. In the exercise of all these powers of the court of teinds, the consent of three-fourths of the heritors, as ordered by the act, is never in any case dispensed with^w.

The last part of the act is the union or annexation of parishes, and in this, the ground of procedure is generally their smallness in extent and population, the contiguity of their situation, and inadequacy of the funds to support two ministers^x. An annexation generally receives the approbation of the presbytery before application to the teind court; but this is not essential, and the measure may be carried into effect in opposition to the church courts^y; neither is the consent of three-fourths of the heritors necessary^z. The old churches are sometimes preserved; but that of one of the parishes is more generally suppressed, and the other is either retained or enlarged, or a new one ordered to be built in a proper situation^a. The whole stipends of the united parishes, with the glebe of the suppressed one, is in general given to the minister, unless there are some arrangement to the contrary^b. The church-yard of the suppressed parish is for

^s Orwell, 19th Jan. 1752.

^t Kinross, 17th Feb. 1742.

^u Rothiemay, 13th Dec. 1752.

^v Tillicoultry, 30th July, 1766.

^w Act 1707, c. 9.

^x Ellem & Longformacus, 12th Feb. 1712

^y Hiltoun & Whitsome, 19th June, 1734.

^z Hiltoun & Whitsome, *ut supra*; Kirknewton & East-calder, 2d Feb. 1751.

^a Huntly, 17th Jan. 1725.; Speymouth, 14th July, 1731.

^b Ellem & Longformacus *ut supra*.

the most part retained ^c. The right of patronage devolves upon the patrons *per vices*, the crown and the patron of the largest parish, having the first *vice* ^d.

Procedure in a process of Disjunction, Erection, and Annexation.—In processes of disjunction and erection, or of transporting churches already erected to more convenient situations, or dismembering, the action may be brought at the instance, either of three-fourths of the heritors reckoning according to their valued rents, without whose consent, or that of the patron, or presbytery, the process cannot proceed.—The parties who must be called as defenders, are the titular, patron, heritors, liferenters, ministers of the parishes, and the presbyteries, within whose bounds the parishes lie; leaving out of course, the names of the party pursuer.

Though the court be restrained from disjoining parishes, and building and erecting new churches without the consent of three-fourths of the heritors, they have, however, as was observed, without such consent, authority to annex or unite two parishes into one, and to judge of the most convenient spot to build the church.

There is nothing peculiar in the procedure of these actions. The cause is brought into court in the ordinary manner; parties are heard upon the merits; and judgment is pronounced by the court as they see cause.

PATRONAGE.

The law of patronage, or the power of presenting ministers to vacant benefices, was introduced into Scotland, at a very remote period. Churches having been founded by the sovereigns, the nobles, and other proprietors of lands, the founder was entitled to the patronage. Under the jurisdiction of the Pope, the rights of lay patrons were recognised; but he claimed the patronage of all churches where no other title could be shewn. At the reformation, the King as coming in place of the Pope, became the universal patron where no spe-

^c Kirknewton v. East-caldar, *ut supra*.

^d *Ibid*.

cial right appeared : but lay patronage continued untouched. The rights of patrons however, for a considerable time were taken away^e, but returned at the restoration^f. Patrons were again divested of the power of presenting ministers, and the right was lodged in the heritors and elders of each parish, who were to pay six hundred merks Scots to the patron in lieu of his right^g. But the heritors and elders again losing the power of presenting to vacant churches, the right was finally vested in patrons^h; except in a very few instances where the pecuniary stipulation had been accepted of; and the right with those parishes therefore still remains.

When the power of presentation was in the hands of the heritors and elders, it was provided, that if they failed to present within six months after a vacancy, the power of presentation for that *vice* should devolve upon the presbyteryⁱ. This is termed the *jus devolutum*: and there is a similar appointment in the statute, which restores to patrons the right of presentation^j. The *jus devolutum* takes place, six months from the date of the vacancy, and not from the patron's knowledge of it; and that in ordinary circumstances, the presentation must not only be executed, but lodged with the presbytery or their moderator, within the like period^k. When the first presentation becomes ineffectual, a patron must in justice be allowed some time to present another: And it is accordingly laid down by one of our first legal authorities^l, that upon the event of a presentee being rejected by the “ ecclesiastical courts, the patron has as much time left him to issue another presentation after this sentence, as was to run of the six months, when the first was offered to the presbytery.” The same rule also holds upon the death of a presentee^m; and where one first accepts, and afterwards, before

^e Act 1649, c. 36.

^f Act 1662, c. 3.

^g Act 1690, c. 23.

^h Act 10 Anne, c. 10.

ⁱ Act 1690, *ut supra*.

^j 10 Anne, *ut supra*

^k Fac. Coll. 10th Aug. 1770, *Presbytery of Paisley v. Erskine*, Fac. Coll. 15th May, 1795, Lord Dundas.

^l Ersk. B. II. tit. 5. § 17.

^m Bankt. B. II. tit. 8, § 64.

being settled, renounces the presentation ⁿ, it is reasonable to conclude, that the same principle will apply, where the presentee shall lodge a letter of non-acceptance, at least if no undue delay have taken place.

A patron, who has not taken the oaths to government, cannot present to a vacant church ^o: but he can grant a disposition of the patronage to another person qualified, who may exercise the right ^p. A patron may exercise his right by a commissioner ^q; but the person at the time must have a complete authority to present ^r.—A litigation having taken place between a liferentrix and the fiar of an estate respecting a presentation to a church; the fiar was decerned for by the court of session ^s; but the judgment was reversed by the house of lords, who preferred the liferentrix ^t.

It is an established rule of our law, supported by a decision of the supreme civil court of Scotland, that a right of presentation can be exercised only in case of a vacancy,—That no patron can present to the expectancy of a benefice, but that the right arises only upon the death, translation, deprivation, or resignation, of the incumbent ^u: Yet a practice has long prevailed of patrons presenting persons as assistants and successors to ministers in consequence of old age, infirmity, or other incapacity. This, though apparently inconsistent with law, seems tacitly admitted both by the legislature and our supreme civil judicature. In the act restraining the crown from granting *reversion* of offices, there is an exception of the appointment of assistants and successors to ministers in Scotland ^v; and in the ordination respecting the widows fund, there are special provisions relative to the case of assistants

ⁿ Fac. Coll. 2d March, 1762, Roc. ch. and Presbytery of Ayr v. Earl of Dundonald.

^o Vide Oaths. ^p Falconer, 25th Feb. 1749. Hay. Fac. Coll. 10th Aug. 1770. Presb. Paisley, v. Ersk.

^q Fac. Coll. 22d Jan. 1778. Tait v. Keith; affirmed on appeal, March 30th, 1778. ^r Fac. Coll. 2d. Aug. 1776, Presbytery of Strathbogie v. Forbes.

^s Forbes, Aug. 1758. ^t 18th Feb. 1762. Forbes v. M'William.

^u Ersk. B. II. tit. 5. § 11. 24th Jan. 1677, Stuart v. Nairn, *Stair*.

^v Act 48 Geo. III. c. 50.

and successors ^w. In the case of a parish which had purchased the patronage under Act 1690, and where two contending parties claimed the right of appointing an assistant and successor to an old infirm minister, no objection was made on the ground of the benefice being full; the validity of such presentations seemed to be assumed, and the only subject of discussion was, which party had the majority of *good votes* ^x. Although our courts of law, from expediency or long practice, might sustain such presentations, yet if such a case were called in question at the time of the settlement, it would be required that a case of necessity, or, at least of strong expediency, were made out to justify this practice ^y.

A patron cannot present himself; but according to the opinion of an eminent lawyer, he may present his son ^z. A young man was presented by his father (the patron), and the presentation was sustained without objection: He afterwards succeeded to the patronage, and retained the benefice ^a. By the same respectable authority it is stated, that a husband may exercise a right of patronage belonging to his wife ^b; but it is necessary to have her concurrence. He also states, that a minor may grant a presentation to a church ^c. A minor who has no curators may present, if lesion be not proved; but that a minor may grant a presentation without their consent, seems contrary to the principles of our law. Heiresses-portioners, succeeding to a patronage, the right falls to each sister alternately, beginning with the eldest ^d. Where two or more churches belonging to different patrons, are united by special statute, the patrons are to present *alternis viribus* ^e. In an alternate right, when a patron, whose turn it is to present on a particular vacancy, does not choose to exercise his right, the other patron is entitled to present; and such presentation will be sustained in a question with a

^w Act 54 Geo. III. c. 169.

^x Fac. Coll. 9th Dec. 1791, Dunlop *v.* Muir.

^y Vide Connel on Parishes, 515, et seq.

^z Bankt. B. II. tit. 8. § 35.

^a Dr Dalgliesh of Scotsraig.

^b Bankt. B. II. tit. 8. § 100.

^c *ib.* ^d Ersk. B. I. tit. 5, § 11.; III.

tit. 8, § 13.

^e Fac. Coll. July 1777, Brodie *v.* Earl of Moray.

presbytery claiming the *jus devolutum* ^f. Where a parish had originally more than one patron, the right of presentation will be alternate ^g.

When a right of presentation is vested in a collective body, the civil authority will determine in disputes as to the election, in every respect, as if it were an ordinary patronage ^h. In a case, where the parish possessed the right of presentation from Act 1690, it was decided, that the presbytery's power was merely of a spiritual nature, to ascertain the qualifications of a presentee; but what respected the temporal benefice, as the right of patronage, belonged to the civil court ⁱ.

Upon the establishment of a new church within a country parish, where nothing is settled respecting the patronage, the right of presenting devolves upon the patron of the parish: The same takes place, upon the erection of a parish by the court of teinds. In a case of this description, two opposite decisions were given: That the patron of the old parish had right to the presentation of the new erection,—that the right of presentation was vested in the contributors. The last judgment was reversed by the house of lords, and the patronage vested in the former patron ^j.

When second charges are erected, it seems to be laid down, that to vest the patronage of them in the contributors it is necessary, that either they should expressly reserve the patronage in the deed of erection, or they should be in the use of exercising the right of presentation. It is stated, by an eminent authority, that an erection or settlement of a second minister accreases to the patronage of the first charge; and he reports a case, wherein it was found, that the patron of the parish was entitled to present to the office of second minister,

^f Fac. Coll. 7th Feb. 1788. Grant.

^g Bankt. B. II. tit. 8. § 70. Ersk. B. II, tit. 5, § 11.

^h Snodgrass and others v. Logan and others, 16th June 1772.

ⁱ Fac. Coll. 9th Decr. 1791, Dunlop and others v. Muir and others.

^j Fac. Coll. 20th Feb. 1762, Cunningham and others v. Wardrop and others.

which was erected by contribution of heritors ^k. “Patrons,” says Mr Erskine, “are entitled to a seat and burial-place in “the church”. Burying in the church is now quite exploded; but the right of a patron to the *choice* of a seat in the church, is still in force ^l.

The age of a presentee is general about 25; this is settled by the church courts ^m.

Mode of enforcing Presentations.—Presentations were first directed to the archbishop or bishop of the diocese, and if they refused to receive a qualified presentee, the patron was entitled to retain in his hands the whole fruits of the benefice. Upon the establishment of presbyterianism, presentations to benefices were directed to be made to presbyteries ⁿ. When the right of presentation was restored to patrons, presbyteries were required to admit qualified persons ^o. The only remedy which patrons have against an unreasonable refusal of church courts to admit a qualified presentee, is to retain the stipend ^p. The patron, however, does not, in such a case, acquire the property of the stipend, but must hold it in trust, and apply it, as the law directs ^q.

Where the patronage is disputed, the church courts stop proceedings till the question be determined in the civil courts. If the church courts should state objections to the patron's right, and proceed to the discussion of these, it will be competent for the patron to bring a declarator before the court of session, and get his title established by a judgment of that court ^r. If a presbytery should exercise their own judgment in a question of patronage, and settle the presentee of a patron, whose right shall afterwards be set aside in a civil court,

^k Lord Kilkerran, *Cochran v. the Officers of State*, 21st Jan, 1749.

^l *Fac. Coll.* 13th Feb. 1765, *Lord Torphichen v. Gillon*.

^m *Vide Acts of Assembly, Probationers*, 2.

ⁿ Act 1690, c. 25. ^o Act 10 Anne 11.

^p *Moncrieff v. Maxton*, 15th Feb. 1755.

^q *Vide Vacant Stipends.* ^r *Falconer*, 25th Feb. 1749, *Hay v. Presbytery of Dunse*.

not only will the settlement be annulled, but the patron will have right to the disposal of the whole stipend, as in the case of a vacancy. This doctrine was established by three important cases^r, one of which was decided in the house of lords^s.

Where presbyteries choose to proceed with a disputed presentation, the court of session cannot interfere, as the civil court has no direct controul over church courts in such cases. In one case, a bill of advocation was presented against the proceedings of a presbytery, towards the settlement of a young man elected by themselves, upon the call of the people, the court repelled the bill as incompetent^t.

POOR.

The poor are directed by law, to be maintained chiefly by assessments laid upon a parish. For this purpose, meetings are ordered to be held half yearly, on the first Tuesdays of the months of February and August, to make a list of all the poor within the parish, and to liquidate a sum necessary for their maintenance during the ensuing half year. The sum thus appointed, must be sufficient to support them without having recourse to begging, which is forbidden under severe penalties. The heritors of a parish are ordained to pay one half of the sum for the support of the poor, and tenants and and possessors, according to their substance, the other^u. Heritors whose lands are annexed to another parish *quoad sacra tantum*, are not subjected to the maintenance of the poor of the parish to which they are united^v. Parochial assessments are ordered to be imposed, according either to the valued or real rent, or otherwise, as the majority of the heritor-

^r Cochran *v.* Heritors of Culross, 22d June, 1751, Heritors and Minister of Lanark *v.* Crown, 9th May, 1758. Fac. Coll. Feb. 1762. Forbes *v.* Macwilliam. ^s The case of Lanark.

^t Nov. 19, 1748, Cochran. ^u Act 1672, c. 18. Procl. Aug. 1692. Acts 1695, c. 45. 1695. c. 21. ^v Fac. Coll. 17th Nov. 1803, Thomson *v.* Pollock and others,

meeting shall agree ^w. Heritors therefore, have a discretionary power, both as to the mode of assessment ^x, and as to the particular description of subjects liable in the payment of poor's rates ^y. Magistrates of burghs impose assessments on the inhabitants according to their property in the burgh, which is rated from the various situations of burghs ^z. These assessments are assisted by the collections at the parish church ^a, from mortifications of money, or other property ^b; and from the profits arising from the hiring out of a hearse or mortcloth, of which a kirk-session may acquire the sole right, by immemorial exclusive usage ^c.

The administration of all the funds belonging to the poor of a parish, whether arising from assessments, collections, or mortifications, is the joint right of the heritors and kirk-session. The kirk-session indeed, has the regulation of the funds in ordinary and incidental cases; but in acts of extraordinary administration, as that of lending, uplifting, or re-employing money, the minister ought to intimate from the pulpit, ten days before the meeting that the heritors may be present and assist, if they think fit ^d. Any one heritor may call the session to account for their management of the poor's funds ^e. The judge ordinary (sheriff or justices of the peace) is ordained to see the law put in due execution, and to decide what parishes is bound to aliment a poor person; but the heritors and kirk-session, have the exclusive power *prima instantia*, of modifying the aliment ^f.

^w Act 1663. c. 16.

^x Fac. Coll. Jan. 19, 1775, Parish of Westkirk.

^y Fac. Coll. May 28. 1794, Parish of Inveresk.

^z Acts 1579, c. 74. 1597, c. 279.

^a Procl. Aug. 1693, ratified by Acts 695, c. 43 & 1698. c. 21.

^b Procl. Aug. 1692, ratified *ut supra*.

^c Turnbull and Mackaws, 10th Aug. 1756. Kirk-session of Dumfries *v.* the Squaremen, 18th Feb. 1798.

^d Parish of Humble, 1751.

^e Nov. 23, 1752, Hamilton *v.* minister of Cambuslany.

^f Paton *v.* Adamson, 20th Nov. 1772. Parish of Coldingham *v.* Parish of Dunse.

The persons who have a legal title to maintenance are the old, the infirm, the diseased, and such as from other causes, are incapacitated from earning a livelihood. These require permanent relief, either in whole or in part, and are denominated the ordinary poor, forming that list or roll, which heritors are directed to make up every half year ^s. There are others, however, that in ordinary seasons are able to support themselves and household by their labour; but during a great scarcity of provisions, are obliged to have recourse to public support. These, who are called the extraordinary poor, are not entered upon the roll, but have an extraordinary temporary assessment levied for their relief ^h.

The burden of alimending a poor person lies upon the parish where he lived during the last three years immediately preceding the application for public charity ⁱ. Residence as a householder is not necessary to confer a settlement in a parish, *i. e.* entitle to public support from it; it is sufficient that he has only resided as a lodger; or even remained for three years in a parish during an apprenticeship ^j. Tradesmen may acquire a settlement by having their residence in one place for a course of years, although they have gone to a distant part of the country during summer to procure employment ^k. Three years residence of a soldier upon duty in a parish cannot confer a settlement in it. And where a person has not, by three years industrious residence in a parish, become entitled to public support from it, the place of his nativity is liable for his maintenance. Vagrants also who have never any fixed residence, fall to the lot of the parishes where they were born; and where that is unknown, the parish in which they have had any residence, haunt, or most resort, for the space of three years immediately preceding their being

^s Act 1579, c. 74. Procl. Aug. 1692, ratified *ut supra*.

^h Pollach *v.* Darling, 17th Jan. 1804.

ⁱ Runciman *v.* Parish of Mordington, Fac. Coll. 24th Jan. 1784.

^j Heritors of Cockburnspath, 9th June, 1809.

^k Parish of Dalmellington *v.* the Town of Irvine, 3d Dec. 1800.

apprehended ^l. Where a settlement has been acquired in a parish in Scotland, that parish is still liable to the support of a pauper, though he has resided in an English parish for such a length of time as would have conferred a settlement by the Scotch law, if, from particular circumstances, it had not been such as gives a settlement by the law of England ^m.

The settlement of a married woman is the parish of her husband: And therefore in a recent case, a Scotchwoman, the wife of an Englishman who deserted her, could, during his life, obtain for herself and children a residence, so as to entitle her to a legal stated maintenance in a Scotch parish, though it was that of her settlement before marriage ⁿ. A widow may acquire a settlement by a residence for three years, in which she was able to support herself by her industry.

A child being considered as part of a family, must be maintained by the parish of its father, though not that of its own birth or residence ^o. A natural child must be supported, not by the parish of the father, but that of the mother, if he be unable to maintain it ^p. If the parish of the parents of a child be unknown, the parish of its birth is liable ^q.

It is necessary at particular times to grant a small temporary relief to indigent persons whose residence has not entitled them to a permanent supply from the regular funds of a parish: for they cannot be allowed to starve ^r. And a person having had such a residence in a parish as distinguishes him from a vagrant, is supported till his legal parish is ascertained; which is bound to relieve the other parish, at least from the intimation of his situation ^s. This seems to be the course followed in England.

^l Act 1663, c. 16.

^m *Brown v. Kirk-session of Mordington*, 4th March, 1806.

ⁿ *Pennicuik v. Duddingston and Edinburgh*, 3d March, 1815.

^o *Buik, Howie and others v. Kirk-session of Arbroath*, 25th July, 1800. *Fee. Coll. Parish of Coldingham v. Parish of Dunse*, 28th July, 1779.

^p *Parish of Rescobie v. Parishes of Aberlemno, Dunichen, and Forfar*, 28th Nov. 1801.

^q *Parishes of Melrose and Stichel*, Jan. 1786.

^r *Pennicuik, ut supra.*

^s *Brown v. Kirk-session of Mordington*, 4th March, 1806.

POPERY.

The statutes passed against roman catholics were chiefly intended to guard against certain principles entertained by them, dangerous to the constitution of church and state. By several statutes they are declared incapable of being governors, chaplains, pedagogues, teachers, tutors, or curators, chamberlains or factors, to any child of protestant parents, or to be otherwise employed in their education, or in the trust or management of their affairs; or to be schoolmasters, professors, or public teachers. But by taking and signing a *formula* contained in Act 1700, c. 3. they are relieved from the penalties contained in that act ^t.

A patron suspected of popery at or before signing any presentation is to purge himself of popery by taking and signing the oaths to government; and upon refusal, the right of presentation and disposing of the vacant stipend, for that *vice*, belongs to the crown ^u.

PUBLIC WORSHIP.

Presbyterianism as practised in the church of Scotland, being the established form of religion, and under the protection of law, whoever interrupts public worship, or makes disturbance in the church, incur penalties chiefly pecuniary. These penalties are inflicted according to the rank and quality; a nobleman £10.; a baron (baronet) £5.; a freeholder or burgess 40 shillings, all scots money; poor persons who cannot pay, imprisonment for 15 days to fast on bread and water. For the second offence the penalty is doubled; and for the third, imprisonment or banishment for a year and day. Children that disturb the church in the time of divine service, are to be whipped ^v. By a later statute, the disturbing of the

^t Acts 1700, c. 3. 53 Geo. III. c. 44.

^u Act 10 Anne, c. 11.

^v Act 1551, c. 17.

congregation in the time of public worship, is punished with forfeiture of moveables ^w. There is a penalty of £100. ordered to be inflicted upon such as disturb an episcopal chapel in the time of divine service; and, upon magistrates who hinder them from meeting for public worship ^x. And this ordination must extend to all congregations of tolerated dissenters.

SCHOOLS AND SCHOOLMASTERS.

From the earliest period, great attention was paid by the legislature to the education of youth. Many statutes were enacted for the purpose, and particularly soon after the revolution it was ordained, that every parish have a school settled, and a schoolmaster established by the advice of the minister and heritors, who are to provide a school-house, and modify a salary for a schoolmaster, to be paid at the two terms of Whitsunday and Martinmas, laid on according to each heritors valued rent within the parish; allowing them relief from tenants of the half of the proportion ^y. But from the improvement of the times, and other reasons these regulations were found so defective as to give rise to a statute to amend and render them more affectual. Their salaries are now fixed at a sum from three to four hundred merks Scots. And such as were payable in oat-meal or grain are continued to be so paid, at the rate of two hundred merks (£16. 13s. 4d.) a chalder. The precise amount of the salaries exigible according to the extent and population of the parish, are to be determined by the minister and heritors of lands therein of one hundred pounds Scots of valued rent. In 25 years thereafter, the minister and heritors are to modify a new salary, according to the average price of oat meal to be ascertained by the Exchequer, at the valuation of from one and a half to two chalders, and so forth from the same period. In the Highlands, northern isles, and Hebrides, or where a parish is ex-

^w Act 1587, c. 27.

^x Act 10 Anne, c. 6.

^y Act 1696, c. 26.

tensive and populous, two or more schoolmasters may be appointed, with an increased allowance of six hundred merks to be divided.—Schoolmasters are to be provided with proper school-houses, dwelling-houses, and gardens containing at least one-fourth of a Scots acre; but where a garden cannot be conveniently provided, an additional salary is to be assigned, at the rate of eight bolls of oat-meal an acre. The Heritor from whom the ground for the houses and garden are designed have a claim of relief from the other heritors. Where there are two school-masters, with a divided salary, heritors are exempted from the burden of houses and gardens to them. In parishes where there is only one qualified heritor he has two votes in all meetings, and where no preses is chosen, the heritor present of the highest valued rent has the casting vote. Where neglect or wrong by the heritors and minister can be proved in fixing the salaries, or appointing school-houses, dwelling-houses, and gardens, application is competent to the quarter-sessions. These, however, cannot alter the situation of a school-house formerly established ^z. The school-masters in royal burghs, or those with landward heritors, are to be provided according to former laws and proportions; but the salary and accommodations are to equal those ordered in this statute. The minister, or in a vacant parish, the presbytery is to appoint a meeting of heritors to elect a school-master upon a vacancy. And if the heritors and minister fail to elect within four months from the vacancy; or, if the person chosen be found unqualified, they neglect to elect, within what remains of the four months from the vacancy, the presbytery shall apply to the commissioners of supply, who, or any five of them, at a meeting called upon thirty days notice, may elect a teacher *jure devoluto*. Were the commissioners of supply to refuse obeying the call of the presbytery, this wrong would be remedied by the supreme civil court ^a. And indeed were they inclined to disobey, the heritors and minister, presbytery of

^z Dawson v. Allardyce, 18th Feb. 1809. •

^a Minister of the Parish of Rea, 31st July, 1775.

the bounds, and commissioners of supply, the court of session without a doubt would, upon a complaint of any one of the parishioners, compel the heritors to do their duty. The heritors and minister are to fix the school-wages, and the presbytery regulate the hours of teaching: the school-master is to instruct poor children *gratis*. A school-master must sign the the confession of faith and formula of the church of Scotland; and be examined and approved by the presbytery, who are to take cognizance of his conduct, and whose sentence of deposition shall be supported by the sheriff of the county, upon which shall follow letters of ejection, of which suspension, advocacy, or reduction shall be incompetent ^a.

SIMONY.

Simony is the granting or promising of money or other reward for the procuring of a presentation to a church benefice. The only acts on this subject seem to be ecclesiastical ^b. And although, such decisions cannot be considered as imperative on the Civil Court; yet there will always be deference paid to ecclesiastical enactments.—There is simony of another kind recognized in Scotland; “where a presentee has come under “any engagement to the patron to prejudice or hurt the revenues of a benefice ^c ;” which being proved, the presentee might be refused; and in case of any dispute respecting the agreement, the Court of Session is empowered to decide. Although this act was rescinded upon the abolition of Episcopacy, and seems never to have been renewed, yet it is understood that the Court of Session has a general jurisdiction over simonists.—There seem to be no decisions of the Civil Court reported concerning simony, as it respects either the validity of a presentation, or the situation of a presentee. But there are cases reported, stating how far transactions considered as simoniacal, have been enforced by the Court of Session.—One

^b Act 43 Geo. III. c. 54.

^c Acts Gen. Ass. Simony, 1. 2.

^d Act 1612. c. 1.

case is reported of an illicit transaction about a presentation, where two candidates making application for a vacant benefice, the friend of one engaged to procure a year's vacant stipend to repair the church, if he was successful, which he was; the presentee was fully acquitted, but the applicant refusing to fulfil his engagement, was prosecuted; when the court found the engagement was entered into *ob turpem rem*, and no action could lie upon it; but the offender was fined ^e. Another nearly similar instance occurred some time afterwards ^f.—A case is reported respecting the emoluments of a benefice; a patron granted a bond for twenty pounds yearly, which was afterwards cancelled for three hundred pounds to a minister who engaged never to demand an augmentation of stipend nor increase of glebe; the minister nevertheless pursued for an augmentation, which was resisted upon the plea of the bond, but it was declared *pactum illicitum*, and the augmentation granted ^g. A minister pursuing for an augmentation, it was resisted upon the ground of his giving an obligatory letter never to make another claim of the kind during his incumbency: the objection was repelled, and the augmentation awarded ^h.

STIPEND.

The first commission of parliament, appointed for the melioration of the ecclesiastical state of Scotland, fixed the lowest stipend (or *minimum*) which could be modified to a minister, at five chalders of victual, or five hundred merks, unless where the whole tiends of a parish did not extend so far; and the highest (or *maximum*) to ten chalders of victual, or one thousand merks ⁱ. By a subsequent commission the minimum was raised to eight chalders, or eight hundred merks; ^j and by another the money was raised one third *i.e.* from

^e Fac. Coll. 20th Feb. 1759. *Stephen v. Lyell and others.*

^f Fac. Coll. 19th Jan. 1775, *Maxwell v. Earl Galloway and Gordon.*

^g Fac. Coll. 22d Jan. 1794. *Boyd v. Earl of Galloway.*

^h Fac. Coll. 9th March, 1803. *Brodie v. Earl of Kellie.*

ⁱ Act 1617, c. 3.

^j Act 1653, c. 8.

merks to pounds Scots ^k. But these and all the following commissions were silent respecting the maximum.

The diminution of the value of money, the alteration in the mode of living, and the increased income of the other classes, have sunk the benefices in Scotland much below their former level; and without some proportional addition, the clergy must lose their rank in life, and their utility be in a good measure impaired. Upon these grounds has the Court of Tiends been in practice of granting such augmentations of stipends as might keep pace with the advances of society, and with the same view have many stipends been increased, in which, from the want of unappropriated tiends, the court could not interfere.

To give a clergyman a right to the emoluments of a benefice, it is necessary to receive induction by a presbytery, and to have a legal presentation from a patron. Neither of these independent of the other can entitle a minister to his stipend. When a presbytery admits in opposition to a presentee, that indeed confers a pastoral relation to the church, but it cannot hurt the patron's civil right, nor entitle the person inducted to the emoluments, which fall as vacant stipend ^l. An opposite judgment being once given, was reversed, upon appeal to the house of Lords ^m. A minister who has been presented by a patron, but never received collocation, has no title to stipend ⁿ. A minister's right to his stipend commences with his induction to the benefice ^o. Heritors who have paid stipend to a minister, due at the legal term, who had begun to preach, but had not been inducted till after the term, were found liable to pay it over again as vacant stipend ^p. A minister has no claim to any stipend due at the term subsequent to his deposition, although he continue to preach after that

^k Act 1649, c. 45.

^l Falconer, *Cochran v. Stothart*, 21st June, 1751.

^m Minister of Lanark, 29th July, 1752. Appeal, April, 1755.

ⁿ Thomson *v* Viscount Haddington, 7th Nov. 1611.

^o Stair, 12th Dec. 1676, *College of Glasgow v. Heritors of Jedburgh*.

^p Campbell *v* Macdonald, 26th Feb. 1741.

term^q. The same rule holds where a minister had resigned, or in any other way removed from his charge. But suspension, which is only *ab officiis* not *a beneficio*, or any censure short of deposition, cannot deprive a minister of his stipend^r.

The legal terms which regulate the rights of ministers to their stipends, are Whitsunday and Martinmas: because, at the first term, the corns are supposed to be fully sowed; and at the other, to be fully reaped. A minister therefore inducted to a benefice before Whitsunday, is entitled to the whole stipend of that year; and before Michaelmas to the half year's stipend. In like manner, a minister dying, or being removed from his benefice, after Whitsunday, he or his executors are entitled to the half of that year's stipend; and after Michaelmas, to the whole of it. These rules hold, whether the stipend be payable in money or victual, or whether a minister have agreed with those liable, for payment at different terms. When a minister has survived any part of the term-day of Whitsunday or Michaelmas, his executors are entitled to what is due at that term, according to the civil maxim, *dies inceptus pro completo habetur*.

In some decreets of modification, the measure by which victual stipends are to be paid, is particularly specified. In some cases, the Linlithgow or standard measure of Scotland is adopted^s. In others, the local measure is ordered^t. Where the decrees of modification do not specify any measure, or where the use of payment had not been clearly ascertained, the minister must receive his victual according to the Linlithgow standard^u. In cases where the whole stipend is granted to the minister, or where he draws a part as titular on account of a surrender, he is entitled to receive the victual ac-

^q Stair, College of Aberdeen *v.* Earl of Aboyne, 10th Jan. 1679.

^r Macdonald *v.* Campbell, 6th Feb. 1741.

^s Makerston, 21st Feb. 1720. ^t Kinclaven, 26th June, 1716.

^u Minister of Culsalmond, 25d Jan. 1805.

ording to the measure in which the teinds were valued, or used to be paid to the lay titular ^v.

Where the minister's stipend is payable in grain, and the *ipsa corpora* delivered, heritors are not bound to carry home the victual ^w. Where the *ipsa corpora* are paid, corns of a foreign growth may be refused, and those raised on the ground insisted on; the victual must be of a medium quality, neither of the best nor the worst sort ^x. A minister having claimed from certain of his heritors, who were several years behind in the payment of their victual stipend, the market prices, which were higher than the fiars, his claim was sustained ^y.

Vicarage teinds were those appropriated to the vicar, and consist either of the fruits of the ground, except corns, such as grass, flax, hemp, &c. or what the land produces by industry, as those of predial animals, calves, pigs, eggs, milk, &c. These are regulated by local usage. The vicarage of lint has been found due in respect of the use of payment ^z. So likewise was that of fish ^a. A right of vicarage on meadow hay does not extend to sown grass, although no hay was made in the parish ^b. A tithe on animals is no more due, if not sanctioned by custom, than a tithe on flax or other articles ^c. Vicarage though once due, may be lost by the negative prescription, which extends to forty years ^d. Where the ministers of a parish had been in use to let their vicarage teinds upon a lease for payment of a specific grassum, and a yearly rent, the present incumbent is not entitled to recur to

^v Minister of Kilmoden, 19th Feb. 1812.

^w College of Aberdeen *v.* Falconer, 12th July, 1758.

^x Forbes on Ch. lands, p. 353. ^y Fac. Coll. Wright *v.* Binning.

^z Fac. Coll. Williamson *v.* Lunan, 15th Nov. 1787.

^a Fac. Coll. Mitchel *v.* Writers of Ayr, 26th June, 1799.

^b Fac. Coll. Brown *v.* Hunter, 15th June, 1796.

^c Fac. Coll. Hunter *v.* Duke of Roxburgh, 9th March, 1796.

^d Lion *v.* Earl of Strathmore, Jan. 12, 1757.

a claim for vicarage tithes in kind, but only to a renewal of the lease on the old terms. ^c.

A minister is entitled to interest or arrears of stipend, though not localled, from the date of a charge given to an heritor ^f. But interest was found to be due upon arrears of augmented stipend, periodically at Candlemas for several years, even where no charge had been given, nor any express demand made by the minister ^g. Ministers' stipends prescribe in five years after they become due ^h. Stipends are arrestable by the creditors of ministers, in so far as they exceed a reasonable aliment ⁱ; and the same thing is understood as to assigning the effects of a minister in a process of *cessio bonorum* ^j.

Mode of Enforcing payment of Stipends.—The court of teinds has no power to enforce its own judgments. Its decisions have the strength of an act of parliament, and the court of session is authorised to put them in force. The decrees of this court respecting ministers' stipends are differently enforced in different cases. Where there is a decree of modification only, the mode is different from what it is where there is a decree of locality. A decree of modification, ordains a stipend to be paid in general terms out of the teinds of a parish; and the minister is entitled to make his stipend effectual against any heritor to the extent of his teinds, leaving him to procure his relief from the other heritors of what he pays above his just proportion ^k. But when a minister's stipend has been proportioned among heritors by a decree of locality, his claim can only be made effectual against an heritor to the extent of the proportion localled upon him. As a process of locality is often very tedious, the court has authorised a temporary arrangement for proportioning the minister's stipend

^c Hunter v. Duke of Roxburgh, 9th March, 1796.

^f Anderson v. Urquhart, 15th Jan. 1805.

^g Dawson v. Sir James Pringle, 15th June, 1808.

^h Act 1669, c. 9. ⁱ Clerk Hume, Hall, Feb. 12, 1756.

^j See Bell's Comment. p. 626, 7.

^k Durie, 6th July, 1625. Morton v. Scot, 21st March, 1635, Keith v. Gray and Carmichael.

called an *interim* locality; according to which the stipend shall be paid until the final locality shall be settled, and the decree extracted, which is always given to the minister.

The nature of the diligence by which the decrees of the teind court are enforced by the court of session is by letters of horning. When a minister having a decree either of modification or locality requires letters of horning, he must present to the bill-chamber a short bill to the lords of session, stating the terms of the decree, and craving a warrant for letters of horning. The warrant being obtained, letters of horning are then issued in the usual way from the king's signet. Upon the decease of a minister holding a decree, or letters of horning, his successors must proceed in the same way, as if no horning had been previously issued; and produce, as the warrant for obtaining such horning, his act of admission, along with the decree of the teind court. General letters of horning are discharged, except in three cases, of which one respects "ministers' stipends upon decreets of modification" and locality."

A minister armed with this diligence is entitled to charge, not merely titulars, taksmen, and heritors, but also factors and other intromitters with the fruits and teinds of the lands, and even tenants to the extent of their rents^l. The diligence used by a minister for his stipend (not for by-gones) is preferable to prior diligence used by other creditors^m. Arrears of stipend due to the executors of a minister, cannot be recovered by a charge of horning, but must be made effectual by means of an ordinary actionⁿ.

All suspensions for the payment of the stipends of ministers are prohibited, except upon production of written discharges of payment, or consignment of the sums charged^o. It is

^l Kames, Dec. 30th July, 1742, Minister of Eskdalemuir *v.* Scot.

^m Fountainhall, 22d Dec. 1698, Cathcart *v.* Paton.

ⁿ Durie, 17th Dec. 1623, Executors of the Minister of Livingston *v.* the Heritors.

^o Act 1669, c. 6.

further provided, that where processes are brought for payment of ministers' stipend before inferior judges, there shall be no advocacy, sist of process granted; and in case of a decree, that there be neither suspension, nor sist of execution granted, except on production of clear discharges or consignation of the sums charged ^p.

There are many other provisions laid down in the act, regarding the procedure in the process of suspension; but these having fallen into disuse are never observed in practice.

SUNDAY.

The legislature seems to have been ever anxious to enforce the due observance of the Sabbath, without which, the principles of religion and morality would soon be obliterated from the minds of the people. To prevent therefore the abuse of the Lord's day, there is a long succession of statutes, generally passed after the reformation ^q. They prohibit the holding of fairs or markets, all buying and selling, working, gaming or playing; resort to ale-houses or taverns; salmon fishing; going of saltpans, milns or kilns; hiring of shearers (reapers); and in general all use of ordinary labour, employment, or sport, upon Sunday. The penalties appointed by the acts are chiefly pecuniary: £20. Scots for the going of every saltpan, miln or kiln, on that day, to be paid by the heritors or possessors; £10. Scots for each shearer and fisher of salmon, on that day; half to be paid by the hirer, and half by the person hired; and £10. Scots for every other profanation of that day; with the power of corporal punishment. For a third offence, by one act ^r, an offender forfeits his moveables, and his person is punished at the king's will: By another, the goods exposed to sale in a fair or market, or in a kirk or kirk-yard, upon any day, are forfeited to the poor

^p Act 1695, c. 27.

^q Acts 1579, c. 70. 1592, c. 124. 1644, c. 14. 1649, c. 23. All these acts are ratified and approved by Act 1661, c. 18.

^r Act 1594, c. 201.

of the parish ^s. Power is given to presbyteries to appoint persons within their respective bounds to get these laws put in execution ^t.

VACANT STIPEND.

There are various statutes which appoint such stipends as become due during a vacancy of a parish, to be given to the patron, to be employed by him in pious uses; such as, building and repairing of bridges, repairing of churches, providing of schools and schoolmasters ^u. Those within the synod of Argyle were ordered to be applied for training up young men at schools and colleges, in order to propagate the gospel in these places, and introduce order into the country ^v. But all these are now superceded; and all stipends that become vacant by the death, translation, resignation, or deprivation of an incumbent holding the pastoral cure or benefice of a parish, in so far as that vacant stipend was formerly applicable by the patron to pious uses, are henceforth to be levied and applied for the purpose of increasing the fund for the widows and children of ministers: And also the vacant stipends within the synod of Argyle, are now properly applied like other vacant stipends ^w. The disposal of the proceeds of glebes during a vacancy, never seems to have belonged to a patron, but was understood to accresce to the heritors, under a similar obligation of bestowing them upon pious uses within the parish; and this right remains at present on the same footing.

^s 1579, c. 70.

^t Act 1593, c. 195.

^u Act 1685, c. 18, &c.

^v Act 1690, c. 24.

^w Act 53 Geo. III. c. 169.

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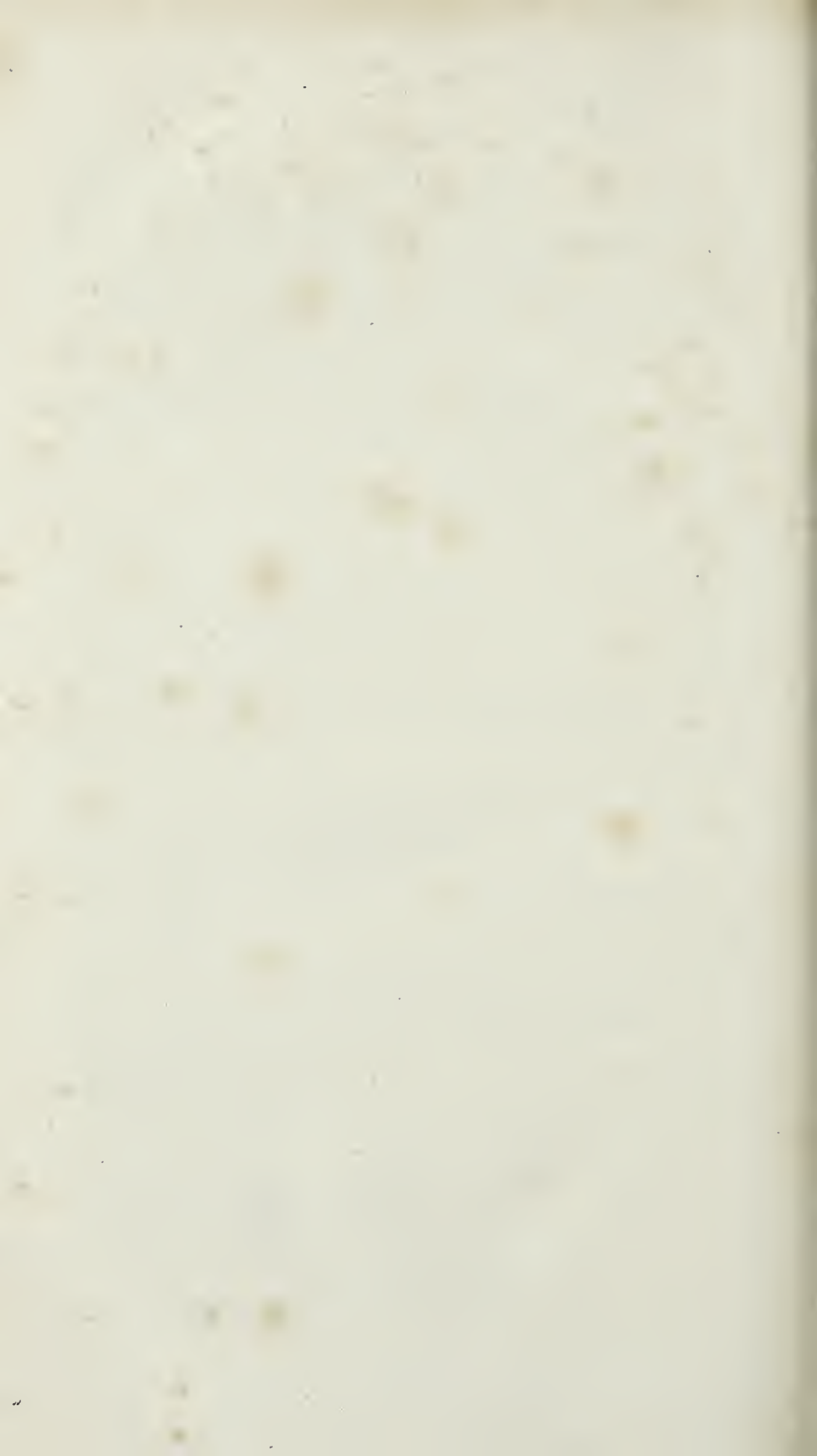
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